

Licensing Committee (Non Licensing Act 2003 Functions)

Date: **23 June 2022**

Time: **3.00pm**

Venue: **Council Chamber, Hove Town Hall**

Councillors: John (Chair), Davis (Deputy Chair), Henry (Opposition Spokesperson), Simson (Group Spokesperson), Ebel, Fowler, Heley, Knight, Lewry, Moonan, O'Quinn, Phillips, Pissaridou, Rainey and Theobald

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Date of Publication - Wednesday, 15 June 2022

AGENDA

Part One

Page

1 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest:

- (a) Disclosable pecuniary interests
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

2 MINUTES OF THE PREVIOUS MEETING

7 - 12

Minutes of the previous meeting held 17 February 2022 (copy attached)

3 CHAIR'S COMMUNICATIONS

4 CALLOVER

(a) Item 7 will be read out at the meeting and Members invited to reserve the items for consideration.

- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

5 PUBLIC INVOLVEMENT

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented to the full council or at the meeting itself;
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on the 17 June;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 17 June.

6 MEMBER INVOLVEMENT

To consider the following matters raised by councillors:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Council or submitted directly to the Committee.

7 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

13 - 20

Contact Officer: Alex Evans
Ward Affected: All Wards

Tel: 0127329

8 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 21 July Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting.

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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Further information

For further details and general enquiries about this meeting contact , (01273 292515, email clare.chapman@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so

BRIGHTON & HOVE CITY COUNCIL
LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

3.00PM 17 FEBRUARY 2022

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Deane (Chair), Davis (Deputy Chair), Henry (Opposition Spokesperson), Simson (Group Spokesperson), Appich, Ebel, Knight, Moonan, O'Quinn, Rainey and C Theobald

Apologies: Councillors Bagaeen, Heley, Lewry and Phillips

PART ONE

19 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

19.1 Councillor Shanks was present in substitution for Councillor Heley.

(b) Declarations of Interests

19.2 There were no declarations of interests in matters listed on the agenda.

(c) Exclusion of Press and Public

19.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any of the items listed on the agenda.

19.4 **RESOLVED:** That the press and public not be excluded from the meeting.

20 MINUTES OF THE PREVIOUS MEETING

20.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 14th October 2021 be agreed and signed as a correct record.

21 CHAIR'S COMMUNICATIONS

21.1 The main thing I want to talk about is taxi marshals. Following a successful bid to the Home Office to address the safety of women and girls in the night time economy, taxi marshals are going to be deployed on Friday and Saturday nights at East Street and West Street between 1am and 5pm. They will be deployed from December 2021 until

the end of March 2022 when the funding stops. There has been positive feedback from the Police including assisting a woman who had reported an alleged sexual assault. When I attended the Police and Crime Panel a few weeks ago, I raised this with the Commissioner, Katy Bourne, and she gave a positive response to my request that the funding be continued.

22 CALLOVER

22.1 The following items were called over:

Item 25 – Compulsory Card Payment Facilities in Hackney and Private Hire Vehicles

Item 26 - Hackney Carriage and Private Hire Enforcement Report

Item 27 – Hackney Carriage Fare Review

23 PUBLIC INVOLVEMENT

23.1 There were no public engagement items.

24 MEMBER INVOLVEMENT

24.1 There were no Member engagement items.

25 COMPULSORY CARD PAYMENT FACILITIES IN HACKNEY AND PRIVATE HIRE VEHICLES

25.1 The Committee considered a report of the Executive Director, Housing, Neighbourhoods and Communities, asking the Committee to consider, as a condition of licence, that all Hackney Carriage Vehicles have a functioning cashless payment facility available for passengers. The report was presented by the Hackney Carriage Officer.

25.2 In response to a question from Councillor Simson, the Hackney Carriage Officer confirmed that only Hackney Carriage Vehicles were covered by the policy as most Private Hire vehicles were linked to private operators.

25.3 In response to a question from Councillor Shanks, the Hackney Carriage Officer said the majority of Hackney Carriage Vehicles already had card payment facilities.

25.4 In response to a question from Councillor O'Quinn, the Hackney Carriage Officer advised that the policy would be enforced by inspecting every vehicle to ensure that a card payment machine was installed and working.

25.5 In response to a question from Councillor Ebel, the Hackney Carriage Officer said transaction fees varied according to supplier but the cost could be claimed as a business expense for tax purposes.

25.6 In response to a question from Councillor Theobald, the Hackney Carriage Officer confirmed that most payment machines supported Apple Pay.

- 25.7 Cllr Moonan noted that it had been reported in the consultation that there were areas in the city with a weak signal. She asked if there would still be an option to pay with cash. The Hackney Carriage Officer said that passengers would have the choice as to how they paid. Councillor Theobald said it was essential to offer cash payments to older people who did not use cards.
- 25.8 Councillor Quinn welcomed the move to cashless payments and she thanked everyone who was involved for the work done on this.
- 25.9 Councillor Simson agreed with Councillor O'Quinn. Cllr Simson and she hoped that drivers would use it. She noted that monitoring the provision of this would be important.
- 25.10 **RESOLVED:** The Committee agreed that Hackney Carriage Hire Vehicles, as a condition of licence, must have a functioning cashless payment facility available for passengers to pay any fare due from the 1st May 2022. This facility must be connected and working at all times to ensure customers are able to pay by card. Proprietors may also have a receipt printing facility should they wish to do so.

26 HACKNEY CARRIAGE AND PRIVATE HIRE ENFORCEMENT REPORT

- 26.1 The Committee considered a report of the Executive Director, Housing, Neighbourhoods and Communities, which had been requested by Members to update them on enforcement action taken against Hackney Carriage and Private Hire Drivers and Applicants, between October 2021 and January 2022. The report was presented by the Licensing and Enforcement Officer.
- 26.2 The Licensing and Enforcement Officer informed Members that Omnicron had affected resources for the multi-agency operation referenced at 3.6 of the report. However, he was pleased to report that 42 licensed vehicles had been stopped including those from other districts. The majority of vehicles were compliant and further operations would be run later in the year.
- 26.3 The Licensing and Enforcement Officer drew Members' attention to 3.7 of the report which referenced complaints received about drivers sitting on the south side of Brighton Station. A joint letter from Councillor Davis and Jim Whitelegg was sent to the trade on 4th January 2022. Their advice had been taken on board and the number of complaints had since reduced.
- 26.4 Councillor O'Quinn had noticed that some drivers kept their engines idling whilst parked and asked if this was included in the measures. The Licensing and Enforcement Officer said there had been numerous complaints about this over the years. He explained that most modern engines now cut out when stationary, but the engine had to remain running if the driver wanted to activate the heating or air conditioning. There was no enforcement policy in place for this currently but if the problem intensified officers would look into it. Councillor O'Quinn said this was also a problem with council vehicles. The Licensing and Enforcement Officer would pass Councillor O'Quinn's concerns to drivers employed by the council.
- 26.5 Councillor Appich was concerned that taxis, mostly those from out of town, parked on pavements that had been widened for pedestrians. This was particularly noticeable on

Kingsway. She asked if Lewes Taxis could be written to and asked to refrain from doing this.

- 26.6 Councillor Appich reported there were still taxis dropping taxi passengers at the bus stop by the train station which was making busses late. Bus drivers should be encouraged to report this.
- 26.7 The Chair echoed Cllr Appich's concerns and noted the difficult road layout in the area of the station. She had received a complaint from a resident who was unhappy about taxis dropping off customers directly outside his house. She felt the station should take more responsibility in addressing these issues given that many of those being dropped off in this area were rail users. She asked officers to look into this.
- 26.8 Councillor Moonan asked if licences were reissued to drivers whose licenses had been revoked. The Licensing and Enforcement Officer explained that licence applications were treated on their individual merits. It would be down to the applicant to prove they were fit and proper and officers would run a number of background checks including an enhanced DBS. If a licence had been revoked on the basis of a suspected offence, it would be kept under constant review.
- 26.7 Cllr O'Quinn asked for more out of town taxis to be targeted when carrying out enforcement action. The Licensing and Enforcement Officer agreed. He explained they relied on the Police to carry out the initial stops and the Police were aware that licenced vehicles across the spectrum were to be targeted.

26 RESOLVED: That the Committee agree the report be noted.

27 HACKY CARRIAGE FARE REVIEW

- 27.1 The Committee considered a report of the Executive Director of Housing, Neighbourhoods and Communities, to seek the Committee's approval and authority to advertise proposed fare increases following the hackney carriage trade's request for an increase in fares. The report was presented by the Hackney Carriage Officer.
- 27.2 The Chair noted there was a joint Labour Group and Conservative Group Amendment and invited Councillor O'Quinn to move the Amendment.
- 27.3 Councillor O'Quinn read out the Amendment and outlined the reasons which included the impact of rising fuel costs and inflation. The taxi trade had dropped the Friday and Saturday late night charge which went some way to mitigate a fare increase of 5% rather than the 3.5% originally proposed.
- 27.4 The Amendment was seconded by Councillor Simson. She had always been supportive of the taxi trade in the city and recognised that taxis needed to operate as a financially viable business. She hoped that with the increase of electric vehicle use, the fares would level out in the future but currently felt that increasing fares by 5% was the right thing to do to support the trade and was happy to second the Amendment.
- 27.5 Councillor Moonan asked if the tariff could be reduced if the price of crude oil came down in the future. The Hackney Carriage Officer confirmed this would be possible and

a report would be presented to the Licensing Committee if requested by the trade. Councillor Moonan felt the Committee should keep their eye on this as she was keen to pass any savings back to customers.

- 27.6 Whilst Councillor Knight sympathised with taxi drivers, she recognised that inflation affected everybody. Her constituency of Moulsecoomb and Bevendean had the smallest percentage of vehicle owners than anywhere else in the county. It was an outlying district with an unreliable bus service and many of her constituents relied on taxis to get into town and back. For these reasons she was not supportive of the Amendment.
- 27.7 Councillor Ebel referenced the league table for fares and noted that Brighton was close to the top. She was concerned that with a 5% increase, Brighton could end up higher in the table. The Cost of living was already high in Brighton but wages were not as high as in London. There were lots of people with disabilities who relied on taxis. She sympathised with the taxi trade but suggested instead that fares were only increased if inflation rose further. She preferred to stick with 3.5% increase to avoid putting a higher burden on residents.
- 27.8 Councillor Davis noted that duty had not been raised on fuel in the last 10 years. He felt the impact of this fare increase would be felt mostly by people who needed taxis during a cost of living crisis and therefore preferred the increase to remain at the original figure of 3.5%.
- 27.9 Councillor Shanks did not support the amendment on the basis that 3.5% was more of an increase than most people's wages.
- 27.10 Councillor O'Quinn said a lot of taxi drivers lived on the outskirts of city, were not the highest paid and had been through a very difficult time during covid. Many got their work from the late night economy, mainly young people who had a disposable income. Taxi drivers would suffer with the cost of living crisis. Fuel had gone up by more than 3.5% and they faced much higher costs in terms of inflation. She believed other authorities would follow suit.
- 27.11 Councillor Moonan asked if the Committee could restrict the Amendment to a 12 month period and review the position thereafter.
- 27.12 The Regulatory Services Manager advised it could be reviewed after 12 months but there was a significant process for doing this and a cost for implementing it as metres would need to be changed and adverts placed. The next fair review would be undertaken when the trade requested it, it was not routinely reviewed. He proposed a way forward which was to request the comments and views of the Taxi Forum in 12 months' time and then present a report to Committee with this feedback and seek advice from Members at this point.
- 27.13 **RESOLVED:**
1. That the Committee approves the proposed fare increases of 5% rather than the 3.5% originally requested and authorises the Head of Safer Communities to

advertise the proposed variation in fares and invite any objections in accordance with the legal requirements.

2. That the Committee agrees that if no objections are made, or if any objections which are made are withdrawn, the varied table of fares will come into force in accordance with the statutory scheme.
3. That the Committee reconsiders the matter at the next meeting of this Committee if valid objections are made but not withdrawn. As there are strict legal timescales relating to fare reviews a special meeting of this Committee may be required.

28 ITEMS REFERRED FOR COUNCIL

28.1 There were none.

The meeting concluded at 11.08am.

Signed

Chairman

Dated this

day of

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item

Brighton & Hove City Council

Subject:	Hackney Carriage & Private Hire Driver Enforcement and Monitoring	
Date of Meeting:	23 June 2022	
Report of:	Executive Director of Housing, Neighbourhoods & Communities	
Contact Officer:	Name: <i>Alex Evans</i>	Tel: 296659
	E-mail: alex.evans@brighton-hove.gov.uk	
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 January 2022 and June 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 carryout 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 The Government Safer Street Funding has been extended and current Taxi Marshals will now continue until August 2022, operating from West Street and East Street taxi ranks. Officers monitor the weekly reports from the Marshals and investigate the most serious cases. Refusals to take passengers on the grounds of not accepting card payments are monitored. Vehicle licences are being updated with the new condition on a rolling basis over the next 12 months since the introduction of this requirement.
- 3.7 For actions taken against drivers / applicants between January 2022 and June 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:

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.

Appendices

A. Vehicle Inspection Sheet

B. Actions taken against Drivers



BTEC Vehicle Inspection Programme

Vehicle Reg No _____

Mileage _____

Examining Officer _____

Private Hire

Hackney Carriage

Vehicle No

Badge No

Time Stopped

Date Stopped

Location

Exterior Lights Front	Serviceable	Unserviceable
Side Lights		
Headlights / Dip / Main		
Fog Lights Front		
Indicators N/S O/S + Hazards		
Exterior Front	Serviceable	Unserviceable
Condition Of bodywork + Number Plate		
Underbonnet Condition		
Oil / Brake / Steering Fluid		
Fluid Leakage		
N/S Front Tyre Depth Pressure		
N/S Wheel + Nuts		
N/S Suspension Leaking / Bounce		
N/S Wing Mirror		
O/S Front Tyre Depth Pressure		
O/S Wheel + Nuts		
O/S Suspension Leaking / Bounce		
O/S Wing Mirror		
Steering Systems	Serviceable	Unserviceable
Amount of Free Play		
Condition of Gaitors		

Driver Interior / Exterior	Serviceable	Unserviceable
Condition of Steering Wheel		
View to Front and Side / Tints		
Seatbelts / Driver + Passenger		
Footbrake Operation + Slip Device		
Carpets / Wires / Obstructions		
Radio + PDA + Sta Navs		
ABS Warning + Other Warning Lights		
Handbrake Operation + Warning Light		
Seat Security		
Door + Window Operation (All)		
Signs / Fare Tables / Badges Etc		
Taximeter + Calibration		
O/S Passenger / Interior + Exterior	Serviceable	Unserviceable
Seatbelts / Passenger + Centre Belt		
Carpet Condition / Tears / Trip Hazard		
Window Operation		
Door Operation / Fuel Filler + Cap		
O/S Rear Tyre Depth + Pressure		
O/S Wheel + Nuts		
O/S Suspension Leaking / Bounce		

Rear Of Vehicle	Serviceable	Unserviceable
Side Lights		
Brake Lights + High Level / Central Lights		
Indicators N/S O/S + Hazards		
Rear Fog Lights		
Reversing Lights		
Number Plate Condition + Light		
Tailgate / Boot Operation		
Spare Wheel or Inflator Kit		
N/S Passenger / Interior + Exterior	Serviceable	Unserviceable
Seatbelts / Passenger		
Carpet Condition / Tears / Trip Hazard		
Window Operation		
Door Operation / Fuel Filler + Cap		
O/S Rear Tyre Depth + Pressure		
O/S Wheel + Nuts		
O/S Suspension Leaking / Bounce		
Additions	Serviceable	Unserviceable
Fire Extinguisher		
First Aid Kit		
Wipers / Washers / Horn		

Brief Report

Defects likely to warrant suspension Yes No

General Condition of Vehicle

Good

Average

Poor

Very Poor

Other Defects Noted _____

Categorisation of Defects Section Page I.M No

Note _____

Enforcement Actions Since Licensing Committee June 2022

	Licence Type	Date	Brief Description of Case	Aggravating Factors:	Mitigating Factors:	Enforcement Action Taken:
1.	Private Hire Driver Licence	26.01.2022	Driver does not meet DVLA Group 2 Medical Standard			License Suspended
2.	Hackney Carriage Dual Licence	02.03.2022	Driver does not meet DVLA Group 2 Medical Standard			License Suspended
3.	Hackney Carriage Dual Licence	10.03.2022	Driver does not meet DVLA Group 2 Medical Standard			License Suspended
4.	Chichester Private Hire	25.03.2022	Waiting for Passengers on a Hackney Carriage Stand			Caution Issued
5.	Hackney Carriage Dual Licence	30.03.2022	Driver does not meet DVLA Group 2 Medical Standard			License Suspended
6.	Private Hire Driver Licence	05.04.2022	Acting as a Hackney Carriage without obtaining a licence			Caution Issued
7.	Hackney Carriage Dual Licence	07.04.2022	Driver does not meet DVLA Group 2 Medical Standard			License Suspended
8	Hackney Carriage Dual Licence	08.04.2022	Conduct of driver to passengers and over charging.			Warning and requirement to complete Taxi driver remedial course.
9.	Hackney Carriage Dual Licence	22.04.2022	Driver arrested for being concerned in the supply of Class A			Licence Revoked

			drugs and tampering with CCTV cameras			
10.	Hackney Carriage Dual Licence	09.05.2022	Conduct of driver using a mobile device to play anti vax pod casts to passenger.			Warning and requirement to complete Taxi driver remedial course.
11.	Private Hire Driver	16.05.2022	Driver does not meet DVLA Group 2 Medical Standard			Licence Suspended
12.	Hackney Carriage Dual Licence	26.05.2022	DVLA licence was disqualified due to totting up / failed to disclose to council			Written warning and required to complete Taxi/Private driving Assessment.