

Licensing Committee (Non Licensing Act 2003 Functions)

Date: **3 March 2023**

Time: **1.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: **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

Contact: **Thomas Bald**
Democratic Services Officer
01273 291354
thomas.bald@brighton-hove.gov.uk

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk.
Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through ModernGov: [iOS/Windows/Android](#)

This agenda and all accompanying reports are printed on recycled paper

AGENDA

21 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.

22 MINUTES OF THE PREVIOUS MEETING

7 - 14

23 CHAIR'S COMMUNICATIONS

24 CALLOVER

- (a) Item 27 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.

25 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 27th Feb;
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on the 27th Feb.

26 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.

27 HACKNEY CARRIAGE PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING 15 - 20

28 ITEMS REFERRED FOR COUNCIL

To consider items to be submitted to the 30 March 2023 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.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

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.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

FURTHER INFORMATION

For further details and general enquiries about this meeting contact , (01273 291354, email thomas.bald@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

WEBCASTING NOTICE

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

ACCESS NOTICE

The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. The lift cannot be used in an emergency. Evac Chairs are available for self-transfer and you are requested to inform Reception prior to going up to the Public Gallery. **For your own safety please do not go beyond the Ground Floor if you are unable to use the stairs.**

Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

FIRE / EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- 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.

Date of Publication - Thursday, 23 February 2023

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

3.00PM 13 OCTOBER 2022

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors John (Chair), Davis (Deputy Chair), Henry (Opposition Spokes), Simson (Group Spokes), Ebel, Phillips, Rainey, O'Quinn, Moonan, Theobald, Knight, and Pissaridou.

Apologies: Councillors Fowler, Heley, and Lewry

PART ONE

9 PROCEDURAL BUSINESS

(a) Declarations of Substitutes

1.1 Apologies from Councillors Fowler, Heley, and Lewry.

(b) Declarations of Interest

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

(c) Exclusion of Press and Public

1.3 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.

1.4 **RESOLVED:** That the press and public not be excluded.

10 MINUTES OF THE PREVIOUS MEETING

RESOLVED – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 23 June 2022 be agreed and signed as a correct record.

11 CHAIR'S COMMUNICATIONS

The Chair gave the following communications:

We were deeply saddened to hear of the tragic incident on North Street in the early hours of Saturday morning involving one of our city's taxi drivers.

Our hearts go out first and foremost to the family and friends of the person who was fatally injured.

It's also been a huge shock to our taxi community, and in particular the driver involved in the incident.

We are offering support to all drivers who have been affected.

With a police investigation ongoing we are unable to comment further.

This committee has a strong focus on our taxi trade , starting with the unmet demand survey. I am sure that you all have thoughts and questions that you would like to share, however I would like to point out two very positive aspects to the report.

The first is the level of engagement trade gave to the report. I wanted to extend a very warm thank you to them for taking the time to engage so thoroughly.

I also want to note the commendation given by the report on the number of licensed WAV vehicles we have running. 50% is an outstanding balance and is to be applauded.

Congratulations.

Last week we had a constructive taxi form on the 3rd where the trade reps attended as well as the police and a representative from eb charging to discuss a telematics project for drivers to partake that provides data around the cost and savings of using an electric vehicle.

The changes in the papers that come before us today have been discussed with trade and we have responded to their feedback. We hope this shows that we are listening and want to do what we can to support our local drivers in Brighton and Hove.

As Councillors we are all very keen to understand the nitty gritty, so much so that Cllr Davis and I are arranging to attend a compliance test and the next multi-agency enforcement operation.

We very much look forward to both.

Finally, I would also like to share with you an email sent to us on the first day of term from home to school transport

Dear Mia & Team

I've Just had Southern's overall school restart numbers in for this morning.

We have carried approx 170 Sen Children this morning this is 340 movements a day.

It's been an extremely positive return the best HTST start since 2018!

A credit to all involved.

This morning we have had

No parent calls at all.

No driver issues.

No breakdowns.

Spare drivers & escorts were on standby ready to go but not needed!

I hope you're as happy as we are at Southern Taxis today, big thanks to Natalie, Helen, Luke & Peter for all their hard work through the school holidays.

12 CALL OVER

The following Items were called:

Item 15 Hackney Carriage Unmet Demand Report

Item 16 Licensing Fees 2023/24

Item 17 Hackney Carriage Fare Review

Item 18 Blue Handbook for Hackney Carriage and Private Hire Drivers, Vehicles, and Operators Amendments

Item 19 Hackney Carriage & Private Hire Driver Enforcement and Monitoring

13 PUBLIC INVOLVEMENT

There were none.

14 MEMBER INVOLVEMENT

There were none.

15 HACKNEY CARRIAGE UNMET DEMAND REPORT

15.1 Jim Whitelegg introduced the report on page 11 of the agenda and invited Ian Millership to give a presentation.

15.2 Ian Millership gave a presentation on the item.

15.3 Councillor Simson was informed that:

- The zero-tolerance policy referred specifically to non-hackney carriages parking in taxi ranks.
- The unmet demand paragraph should be clearer in that it refers to the fact that there is there is no evidence of a *significant unmet demand*.

15.4 Councillor O'Quinn was informed that:

- A lot of long term taxi drivers have brought their retirements forward.
- Driver numbers are down due to a number of factors including moving to more stable jobs, and the unsociable hours of driving taxis.
- Drivers of private hire companies rent their cars so are generally more flexible and don't have to make enough to upkeep their vehicles.
- Hackney Carriage drivers make more money in the day time, reducing the number of drivers at night.

15.5 Councillor Moonan was informed that:

- There are enough vehicles, just not enough drivers to meet demand.
- No restrictions on private hire or hackney carriage drivers, just the amount of vehicles.
- There is no legal way to enforce a license plate holder to use their vehicle.

15.6 Councillor Ebel was informed that it is expected of taxi drivers to take action and find an appropriate vehicle and driver to accommodate disabled passengers, if they can't meet the passengers needs.

15.7 Councillor Knight raised that the fact that people are afraid to whistleblow about inaccessible taxis indicates a wider issue of disability discrimination, and suggested that it should be encouraged that people complain anonymously if they have faced discrimination. Martin Seymour confirmed he would look into ways to make it easier for people to complain.

15.8 Councillor Phillips raised that there should be easier ways to tip drivers when paying cashless.

15.9 Councillor Theobald was informed that the Preston Park station is a small use station, so taxi drivers would be unlikely to wait there for passengers. An option called Train Taxi can be used which gives numbers to phone to organise pickups at smaller stations.

RESOLVED

That Committee:

2. Recommended to continue to increase the number of hackney carriage vehicle licences issued by the council by 5 annually, such licences to be issued in May each year commencing in May 2023.

4. Recommend any additional licences issued under 2.2, above should be issued in accordance with the conditions attached to the Brighton & Hove City Council Hackney Carriage Vehicle Licence Waiting List and to vehicles which are constructed or adapted and configured to carry passengers seated in wheelchairs or; vehicles which are fully electric or; plug-in hybrid (PHEV) vehicles the type and design of the vehicle to be agreed by the Executive Director of Neighbourhoods, Communities & Housing.

16 LICENSING FEES 2023/24

16.1 Jim Whitelegg introduced the report starting on page 11 of the Agenda.

16.2 Councillor O'Quinn was informed that there have been significant issues with staffing in Animal Activity and as such haven't been able to look at the issues raised concerning doggy daycares.

16.3 Councillor Simson was informed that license fees are paid annually, and if not paid, the permit will be revoked and the premises suspended.

16.4 Councillor Pissaridou was informed that dog walkers have to register but don't need to hold a License.

16. A vote was carried out and passed with 9 votes and 2 abstentions.

RESOLVED:

That the Committee approves the following licence fees will increase by an average of 6%:

- Taxi Licence fees - as set out in Appendix 1.
- Sex Entertainment Venues and Sex Establishments fees – as set out in Appendix 2.
- Street Trading fees – as set out in Appendix 2.
- All Gambling Act 2005 fees – as set out in Appendix 2.
- All Animal Activity Licences fees - as set out in Appendix 5.

A list of agreed fees for 2022-23 and proposed fees for 2023-24 is included in Appendices 1-2 & 5.

Note: If the above recommendations are not agreed, or if the committee wishes to amend the recommendations, then the item will normally need to be referred to the Policy & Resources Committee meeting on 9 February 2023 to be considered as part of the overall 2023/24 budget proposals. This is because the 2023/24 budget proposals are developed on the assumption that fees and charges are agreed as recommended and any failure to agree, or a proposal to agree different fees and charges, will have an impact on the overall budget proposals, which means it needs to be dealt with by Policy & Resources Committee as per the requirements of the constitution. This does not fetter the committee's ability to make recommendations to Policy & Resources Committee.

17 HACKNEY CARRIAGE FARE REVIEW

17.1 Martin Seymour introduced the report starting on page 129 of the Agenda.

17.2 Councillor Pissaridou was informed that taxi drivers are competing with other companies that use surge pricing at peak times.

17.3 Councillors Simson and O'Quinn expressed support for the recommendations and Councillor Simson mentioned that it would be a good idea to encourage more Hackney Carriages to operate at night.

17.4 Councillor Knight welcomed the measures to increase fees for late night taxis but not for daytime – given that residents in her constituency rely on them for appointments etc.

A vote was taken with 10 passed and 1 abstention.

RESOLVED:

That Committee:

1. Approved the proposed fare increases 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. Agreed 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. Reconsider 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.

18 BLUE HANDBOOK FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS, VEHICLES AND OPERATORS AMENDMENTS

18.1 Martin Seymour introduced the report starting on page 143 of the Agenda.

18.2 Councillor Knight suggested making the laminated sheet of first aid and emergency procedures mandatory. Mia Bryden responded that it is difficult to enforce a mandatory sheet as there are no penalties for those who don't have them.

RESOLVED:

That Members agree the following changes:

1. A new condition that all tyres on a vehicle must be under 10 years old
2. The Council will no longer licence vehicles that are Category S 'write offs'.
3. Members approve various amendments regarding the licensing objectives and guidelines on Convictions to the Blue Book as outlined in Appendix 1
4. Remove the condition that Private Hire Vehicles are required to have a Fire Extinguisher
5. Agree updated Guidance with regard to First Aid as described at 3.6
6. Agree the Temporary Age Limit for Wheelchair Accessible Vehicles as described at 3.12

19 HACKNEY CARRIAGE & PRIVATE HIRE DRIVER ENFORCEMENT AND MONITORING

19.1 Alex Evans introduced the report starting on page 153 of the Agenda.

19.2 Councillor O'Quinn was informed that the Licensing Team will investigate any complaints about taxi drivers and take the appropriate action – for new applicants with criminal records they would be assessed via the Blue Book, but each case on its individual merits.

19.3 Councillor Ebel was informed that the applicant that was refused a license was because of not declaring a fraud conviction.

19.4 Councillor Rainey was informed that a new database is being used to track licenses and drivers across different Councils.

19.5 Councillor Simson was informed that the action taken depends on the nature of the offence, but if there are concerns that a driver is involved in the offence or not cooperating with the investigation, action may be taken against the proprietor where this is the case.

19.6 Councillor Pissaridou was informed that the enforcement table refers to the time between the last Committee in June 2022 and September 2022.

RESOLVED:

1. That Members note the contents of this report and that officers should continue to act as appropriate.

20 ITEMS REFERRED FOR COUNCIL

There were none.

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:	03 March 2023	
Report of:	Executive Director of Housing, Neighbourhoods & Communities	
Contact Officer:	Name: Jim Whitelegg/Juliet Evans	Tel: 296637
	E-mail: Jim.Whitelegg@brighton-hove.gov.uk Juliet.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 October 2022 and February 2023.

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. 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 operation took place on the 17th of December 2022, with officers from Sussex Police, Driver & Vehicle Standards Agency (DVSA).
- 3.7 53 vehicles were stopped & checked, 36 of these vehicles were licenced with Brighton and Hove, and 17 from other Local Authorities. 6 Prohibition notices were issued by the DVSA, 3 to Brighton & Hove Vehicles and 3 to vehicles from other Authorities. 1 Delayed suspension was issued to a Brighton & Hove vehicle. A Brighton & Hove Hackney was issued a Sec 59. which can be given to vehicles being used in manner causing alarm, distress, or annoyance. The driver was driving erratically, the previous night by tailgating and then over taking the Police Officer. The driver admitted the offence after being cautioned by the Police. 2 Brighton & Hove Vehicles were issued prohibition notices and 1 driver fined and given points for defective tyres.
- 3.7 For actions taken against drivers / applicants between October 2022 and February 2023 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: 19/01/2023

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. Actions taken against Drivers

Enforcement Actions Since Licensing Committee March 2023

	Licence Type	Date	Brief Description of Case	Aggravating Factors:	Mitigating Factors:	Enforcement Action Taken:
1	Private Hire Drivers Licence	23.9.2022	Driving a private hire vehicle with an expired private hire drivers' licence		Was using for social and domestic please at time driver was stopped by Police	Formal Caution Issued. On 23/09/2022
2.	Hackney Carriage & Private Hire Dual Licence	29.09.2022	Using a mobile phone while driving			Licence Suspended for 21 Days and required to take Blue Lamp Remedial course
3.	Hackney Carriage & Private Hire Dual Licence	04.10.2022	Driver does not meet DVLA Group 2 Medical Standard			Licence Suspended pending further information
4.	Hackney Carriage & Private Hire Dual Licence	04.10.2022	Driver does not meet DVLA Group 2 Medical Standard			Licence Suspended pending further information
5.	Hackney Carriage & Private Hire Dual Licence	27.10.2022	Assault on another licenced Taxi Driver (East Street Rank)			Licence Suspended for 21 Days
6.	Hackney Carriage & Private Hire Dual Licence	27.10.2022	Assault on another licenced Taxi Driver (East Street Rank)			Licence Suspended for 21 Days
7.	LDC Private Hire Vehicle	15.11.2022	As part of the secret shopper exercise the driver allowed passengers in his vehicle who had			Formal Caution issued on 15/11/2022. Passed

	and Drivers licence		not pre-booked through his operator.			to Lewes to issue Penalty Points.
8.	Hackney Carriage & Private Hire Dual Licence	17.11.2022	Driver does not meet DVLA Group 2 Medical Standard			Licence Suspended pending further information
9.	Hackney Carriage & Private Hire Dual Licence	07.12.2022	Driver does not meet DVLA Group 2 Medical Standard			Licence Suspended pending further information
10.	Hackney Carriage & Private Hire Dual Licence	23.12.2023	Driver does not meet DVLA Group 2 Medical Standard			Licence Suspended pending further information
11.	Hackney Carriage & Private Hire Dual Licence	14.01.2023	Driver does not meet DVLA Group 2 Medical Standard			Licence Suspended pending further information
12.	Hackney Carriage & Private Hire Dual Licence	17.01.2023	Driver does not meet DVLA Group 2 Medical Standard			Licence Suspended pending further information