

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 28

Brighton & Hove City Council

Subject:	Hackney Carriage & Private Hire Driver Enforcement and Monitoring		
Date of Meeting:	01 March 2018		
Report of:	Executive Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	<i>Martin Seymour</i>	Tel: 29-6659
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Wards Affected:	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 November 2017 and February 2018.

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 effected 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](#). Vehicles may be immediately suspended by way of a section 68 Local Government (Miscellaneous

Provisions) Act 1976 Notice issued by an officer. This notice may be lifted at anytime once an officer is satisfied as to the fitness of the vehicle.

- 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.
- 3.5 In addition to day-to-day enforcement work, officers carryout weekly out-of-hours enforcement work, normally at weekends. This includes monitoring hot spot areas for over and illegal ranking and plying for hire, vehicle inspections and occasional test purchase operations.
- 3.6 Officers carried out a series of joint operations with Sussex Police in November and December 2017 the results of which can be seen in the tables below.

Joint Operation 4/5 November

PH/HC & Plate No	Driver No	Location	Action
PH245	Not Recorded	Not Recorded	BHCC Vehicle – Door Signs need replacing
HC620	Not Recorded	Not Recorded	OS Headlight not working. Advised to stop work until replaced
HC319	Not Recorded	Not Recorded	NFA
HC 72	Not Recorded	Not Recorded	NFA

Joint Operation 18/19 November

PH/HC & Plate No	Driver No	Location	Action
PH 129	7050	Grand Hotel	BHCC vehicle / driver check all ok Police – insurance / tax / DVLA ok
Tfl PH	213707	Marine Parade	Police – insurance / tax / DVLA ok
PH 293	6000	Old Steine	BHCC vehicle / driver check all ok Police – insurance / tax / DVLA ok
HC 294	6322	Church St	Sec 68 delayed. Meter 9 mins slow. Fire Extinguisher out of date.

HC 506	4792	Church St	Police – insurance / tax / DVLA ok Surrey Street clear at 21:30
HC 605	6157	Upper Gloucester Rd	Sec 68 to attend HTH for review of rear damage following being hit. Needs to submit Accident report. Police – insurance / tax / DVLA ok
HC 282	5007	Brighton Station	Reminded drive to wear badge. Sec 68 Delayed suspension on front bumper – paint scuffs black showing through until 28/11. Police – insurance / tax / DVLA ok
HC 11	4036	Brighton Station	BHCC vehicle / driver check all ok Police – insurance / tax / DVLA ok
HC 905	6018	Brighton Station	Rear o/s indicator bulb needed replacing otherwise ok Police – insurance / tax / DVLA ok
Uber PH		Ship St	Licensed by Chichester. Booking on board. Police – insurance / tax / DVLA ok
PH 786	8185	Ship St	BHCC vehicle / driver check all ok Police – insurance / tax / DVLA ok Advised driver he can't sit in prominent position as a PHVL
HC 19	4148	Madeira Dr	Rear o/s bulb needed replacing otherwise ok Police – insurance / tax / DVLA ok
Adur PH	P032	London Rd	Police – had words regarding using wrong lane / undertaking police (unmarked) car. insurance / tax / DVLA ok
HC 420	Not Recorded	Kings Rd / Waterfront rank	Rear o/s bulb needed replacing otherwise ok Police – insurance / tax / DVLA ok
HC 616	Not Recorded	Kings Rd / Waterfront rank	BHCC vehicle / driver check all ok Police – insurance / tax / DVLA ok
HC 149	6108	Queen Sq	Green bulbs in roof sign – query MS Otherwise ok Police – insurance required to be produced in 7 days. Tax / DVLA ok
HC 462	Not Recorded	Queen Sq	BHCC vehicle / driver check all ok Police – insurance / tax / DVLA ok

HC 268	Not Recorded	East St	Checked Fire Ext as given Sec 68 by MK earlier in eve
HC 280	Not Recorded	East St	BHCC vehicle / driver check all ok Police – insurance / tax / DVLA ok
HC 379	Not Recorded	East St	BHCC vehicle – new rear plate required / driver check all ok
HC 764	Not Recorded	East St	BHCC vehicle / driver check all ok
PH 123	Not Recorded	Not Recorded	NFA
HC268	6340	Not Recorded	No Fire Ext sec 68 issued
PH687	3740	Not Recorded	Driver asleep
PH294	7014	Not Recorded	NFA
PH142	Not Recorded	Not Recorded	Lewes PH Uber Had all documentation
HC477	Not Recorded	Not Recorded	NFA
TFL	Not Recorded	Not Recorded	243974 Had all Documentation
HC645	Not Recorded	Not Recorded	NFA
HC644	5191	Not Recorded	NFA
HC659	4036	Not Recorded	Rear Offside Light Not working fixed at roadside
PH90	Not Recorded	Not Recorded	NFA
HC103	Not Recorded	Not Recorded	NFA
HC510	Not Recorded	Not Recorded	FNS light out fixed at road side

Joint Operation 2nd December 2017

PH/HC & Plate No	Driver No	Location	Action
HC481	1165	Not Recorded	NFA
HC200	2459	Not Recorded	Went through lights on Amber NFA

PH982	3683	Not Recorded	NS Headlight not working
PH259	717	Not Recorded	NFA
PH20	7002	Not Recorded	NS Rear door number missing / Not wearing a seatbelt PN issued
PH115	805	Not Recorded	Not wearing a seatbelt PN issued
PH257	8247	Not Recorded	OS Headlight not working. Changed at roadside. Door Buzzers not working. – Call in
HC477	6158	Not Recorded	NFA
PH400	8041	Not Recorded	Went through lights on wrong side of road to avoid roadworks
PH527	4693	Not Recorded	Needs new rear plate – Call in
HC407	5223	Not Recorded	NFA
HC154	2704	Not Recorded	NFA
HC400	4840	Not Recorded	NFA
PH527	4693	Not Recorded	Needs new rear plate – Call in
HC407	5223	Not Recorded	NFA
HC154	2704	Not Recorded	NFA
HC400	4840	Not Recorded	NFA
PH611	7060	Not Recorded	NFA
PH184	4747	Not Recorded	NFA
HC294	Not Recorded	Not Recorded	Roof sign blank on rear. Call in
PH529	8204	Not	NFA

		Recorded	
PH381	6288	Not Recorded	Meter >5 minutes out
PH462	5228	Not Recorded	NFA
PH319	475	Not Recorded	NFA
PH311	6211	Not Recorded	NFA
PH1171	Not Recorded	Not Recorded	Crawley licensed (insurance ok)
HC90	6209	Not Recorded	NFA
HC161	Not Recorded	Not Recorded	NFA
PH897	8053	Not Recorded	Sliding door alarm needed
PH163	4388	Not Recorded	Headlight out
PH370	8235	Not Recorded	NFA
PH624	5473	Not Recorded	NFA
PH401	8127	Not Recorded	NFA
PH601	3459	Not Recorded	Needs new rear plate
PH300	3092	Not Recorded	NFA
PH854	751	Not Recorded	NFA
HC502	6283	Not Recorded	New Tariff card needed

3.6 On the 26 January a driver whose Hackney Carriage driving Licence had been suspended pending prosecution for Causing Death by Careless Driving was acquitted at the Crown Court following trial. Subsequently his Hackney Carriage driver licence was reinstated.

3.7 For actions taken against drivers / applicants between 23 November 2017 and 6 February 2018. See Appendix 1

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: 10th January 2018

Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell Date:

Equalities Implications:

5.3 None.

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.