

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 7

Brighton & Hove City Council

Subject:	Hackney Carriage & Private Hire Driver Enforcement and Monitoring		
Date of Meeting:	25 June 2020		
Report of:	Interim Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	<i>Martin Seymour</i>	Tel: 296659
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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 March and June 2019.

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 and even though we have been unable to hold the Taxi forum due to current government guidelines, we are keeping in contact and checking in with the Trade. 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.
- 3.2 Covid-19 and the need to avoid face to face and social distancing has impacted on enforcement has prevented officers undertaking enforcement activities. The taxi licensing team have had to adapt how licenses are issued including some checks such as for CCTV. As 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. A summary of these changes can be found in appendix A. These process are continually reviewed and updated as necessary.
- 3.3 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 have 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.

- 3.4 A number of proprietors have SORN 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 are able to 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.
- 3.5 The issue of five new Hackney Carriage plates from the waiting list has been postponed until a ballot of eligible applicants can be held to determine who is offered a plate for the year 2020/21.
- 3.6 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.
- 3.7 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.
- 3.8 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](#).
- 3.9 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. In addition, the most difficult matters would come to the Chair and to the two lead members for discussion. If a matter was really serious and required immediate suspension, then officers would come to members as soon as possible after they had taken action.
- 3.10 In addition to day-to-day enforcement work, officers 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 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.
- 3.11 For actions taken against drivers / applicants between 23 March and June 2020 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: 27/05/20

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.

