

Brighton & Hove City Council

Licensing Committee (Non-Licensing Act 2003 Functions)

Agenda Item 24

Subject: Hackney Carriage & Private Hire Driver Enforcement and Monitoring

Date of meeting: 13 February 2024

Report of: Executive Director of Housing,
Neighbourhoods & Communities

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Ward(s) affected: All

For general release

1. Purpose of the report 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 2023 and January 2024.

2. Recommendations

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

3. Context and background information

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 Child Sexual Exploitation (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 On the 27 April 2023 the Government announced that it had brought the remainder of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 into force. This means that it is now mandatory for all licensing authorities in England to use the National Register for Revocations, Refusals and Suspensions (NR3S) Hosted by the National Anti-Fraud Network (NAFN).

Licensing authorities in England must:

- Record refusals, suspensions and revocations of taxi and private hire vehicle driver licences relating to safeguarding or road safety reasons.
- Search the NR3S database for every application for a new or renewed taxi and private hire vehicle driving licence and have regard to any information found.

This is in addition to the requirements that came into effect in May 2022 which require licensing authorities in England to:

- Report serious safeguarding and road safety concerns about licensed drivers operating in their area but licensed by another authority to the relevant licensing authority.
- Consider suspending or revoking a driver's licence if another GB licensing authority reports a serious safeguarding or road safety concern and inform the reporting authority of its decision.

3.6 On the 17 November 2023 the Department for Transport published its updated Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England. [Best Practice Guidance](#) The guidance states:

Implementing an effective framework for licensing authorities, to ensure that a full range of information is made available to suitably-trained decision makers who are supported by well-resourced officials, is essential to a well-functioning taxi and private hire vehicle sector. Whilst this helps prevent the licensing of those that are not deemed 'fit and proper', it does not ensure that those already licensed continue to display the behaviours and standards expected.

3.7 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

- 9.1 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.

10. Sustainability implications

- 10.1 None – for information only

11. Other Implications [delete any or all that are not applicable]

Social Value and procurement implications

- 11.1 None – for information only

Crime & disorder implications:

- 11.2 None – for information only

Public health implications:

- 11.3 None – for information only

Supporting Documentation

1. Appendices

1. Actions taken against Drivers.