

BIRMINGHAM CITY COUNCIL

**REPORT OF THE INTERIM ASSISTANT DIRECTOR OF REGULATION AND
ENFORCEMENT
TO THE LICENSING & PUBLIC PROTECTION COMMITTEE**

13 JANUARY 2021
ALL WARDS

**ACTION TAKEN BY THE CHAIR OF THE LICENSING
& PUBLIC PROTECTION COMMITTEE:
October and November 2020**

1. Summary
 - 1.1 This report advises the Committee of action taken by the Chair under authority from the Licensing & Public Protection Committee, together with an explanation as to why this authority was used.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Sajeela Naseer, Head of Licensing and Markets
Telephone: 0121 303 6112
E-mail: Sajeela.naseer@birmingham.gov.uk

3. Background Information

- 3.1 On 16 March 2007 Section 52 of the Road Safety Act 2006 came into force. This has had the effect of enabling a licensing authority to suspend or revoke a hackney carriage or private hire driver's licence with immediate effect – meaning that the suspension or revocation takes effect immediately once notice of the authority's decision has been given to the driver – where this decision is considered necessary in the interests of public safety.

4. Summary of Action Taken for November 2020

- 4.1 On 03 November 2020 authority was sought to revoke with immediate effect the private hire driver licence held by driver reference 109989. On 03 November 2020 the Licensing Enforcement Section received information from West Midlands Police to the effect that the driver has been arrested for an allegation of driving whilst under the influence of drugs.
- 4.2 The interests of public safety being considered paramount, an authorisation of the Interim Assistant Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 04 November 2020. Notice was hand delivered personally to driver 109989's last known address, advising that his private hire driver licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.3 On 26 November 2020 authority was sought to suspend with immediate effect the private hire driver licence held by driver reference 107449. On 26 November 2020 the Licensing Enforcement Section received information to the effect that the driver was being investigated for an allegation of rape.
- 4.4 The interests of public safety being considered paramount, an authorisation of the Interim Assistant Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 26 November 2020. Notice was hand delivered personally to driver 107449's last known address, advising that his private hire driver licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

5. Implications for Resources

- 5.1 No specific implications have been identified; however, drivers retain the right to appeal through a Magistrates' Court, which may result in the imposition of costs either to or against the City Council.

6. Implications for Policy Priorities

- 6.1 The contents of the report contribute to the City Council's published policy priority of improving the standards of licensed vehicles, people and premises in the City.

7. Implications for Equality and Diversity

- 7.1 The actions identified in this report were taken in accordance with the Regulation and Enforcement's enforcement policy, which ensures that equality issues have been addressed.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT