

Birmingham City Council
Licensing & Public Protection Committee

14 May 2024



Subject: Actions Taken by Senior Licensing Officers Under Delegated Authority
Report of: Sajeela Naseer, Director of Regulation and Enforcement
Report author: Chris Arundel, Principal Licensing Officer

Does the report contain confidential or exempt information? Yes No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

1 Executive Summary

1.1 This report advises your committee of actions taken by senior licensing officers, under authority delegated by the Licensing & Public Protection Committee, with an explanation as to why delegated authority was used in each case.

2 Recommendation(s)

2.1 The report to be noted.

3 Background

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 Options considered and Recommended Proposal

Summary of Action Taken, February and March 2024

4.1 On 7 February 2024, information was supplied by West Midlands Police, with

respect to a Birmingham licensed private hire driver, identified here as O. The driver O was identified as a suspect in a serious robbery where offenders had been operating as a fake taxi service. The victim was allegedly drugged and placed in the back of a vehicle, having sustained a number of injuries. He was later ejected from the vehicle and the driver left with the victim's mobile phone. The victim later received notification his bank account had been accessed and payments made to the value of £1000.

- 4.2 The matter was referred to a senior officer, acting under authority from your committee. Having taken account of the serious nature of the allegation, the officer determined to revoke O's private hire driver's licence with immediate effect, in the interest of public safety. The revocation notice was prepared for dispatch on 7 February 2024. O's badge was recovered from his vehicle, which was still being held by West Midlands Police, and returned by PC Greg Ward, the Police Taxi Liaison Officer, on 9 February 2024.
- 4.3 On 19 February 2024, information supplied by Solihull Metropolitan Borough Council, was submitted for consideration by a senior officer acting under delegated authority, from your committee. The information supplied confirmed a Birmingham licensed private hire driver, identified here as P, had, had his Solihull private hire driver's licence revoked in February 2020, following an allegation of sexual assault against a fare paying passenger.
- 4.4 The matter came to light because of a Licensing Enforcement Team investigation into an allegation of inappropriate behaviour on the part of the driver, made just one month after the grant of P's licence.
- 4.5 In April 2023, P had declared on his licence application that he had never had a licence refused or revoked. However, the enforcement officer received information suggesting the allegation may not have been an isolated incident. This was confirmed when she contacted Licensing at Solihull MBC. Concerned this information indicated a worrying pattern of behaviour, the enforcement officer referred the matter to a senior officer, who after careful consideration of the information supplied, revoked P's licence with immediate effect in the interest of public safety.
- 4.6 On 13 March 2024, information was supplied by West Midlands Police, indicating a Birmingham licensed private hire driver, identified here as Q, had been arrested on 10 March 2023 on suspicion of rape. The female victim was understood to be a passenger.

4.7 The matter was referred to a senior officer acting under authority delegated by your committee. After careful consideration of the circumstances, the officer determined to revoke Q's private hire driver's licence with immediate effect, in the interest of public safety. The revocation notice was delivered in person, by PC Greg Ward, Police Taxi Liaison Officer.

5 Legal Implications

5.1 Any action to suspend or revoke a licence can be appealed via the Magistrate's Court. Where an appeal is lodged, the Licensing Authority will be required to defend the Panel decision.

6 Financial Implications

6.1 Legal costs incurred through an appeal are funded within the ring-fenced Licensing Service budget. Legal Services will seek to recover costs whenever an appellant is unsuccessful. The decision to award costs, the amount involved and payment timing, is at the discretion of the Court.

6.2 No issues have been identified. The actions referred to above were necessarily undertaken in the course of fulfilling a statutory duty.

7 Other Implications

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.2 The work detailed in this report contributes to the outcome 'A Bold Safe Birmingham': through delivering against the priorities of "make the city safer", and "protect and safeguard vulnerable citizens".

8 Background Papers

9.1 None

9 Appendices

10.1 None