

BIRMINGHAM CITY COUNCIL

**REPORT OF THE SERVICE DIRECTOR REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

16 SEPTEMBER 2015
ALL WARDS

**ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE
CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE:**
JULY 2015

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

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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 Actions Taken for July 2015

- 4.1 On 14 July 2015 information was received from the Police that driver 53068 had been named as the offender in a motoring incident whereby a pedestrian had been injured, therefore, in the interests of public safety, authority was granted by the Chair of your Committee to suspend the licence of driver 53068 with immediate effect. The suspension is to remain in force until the case is either finalised or dropped.
- 4.2 On 21 July 2015 information was received from the Police that driver 39119 had been arrested and was being investigated for an offence of sexual assault by touching, therefore, in the interests of public safety, authority was granted by the Chair of your Committee to suspend the licence of driver 39119 with immediate effect. The suspension is to remain in force until the case is either finalised or dropped.
- 4.3. On 27 July 2015 authority was granted by the Chair of your Committee to revoke the licence of driver 35085 with immediate effect for the protection of public safety based on evidence that came to the attention of the Licensing Service on 24 July 2015 that driver 35085 had collided with street furniture and a major traffic roundabout, causing injury to six fare-paying passengers. One of the passengers stated that driver 35085 "was either asleep or drowsy or driving dangerously". This incident followed a decision by Licensing Sub Committee A on 20 July 2015 to suspend driver 35085 for a period of six months having heard that in March 2015 he had fallen asleep at the wheel of his hackney carriage, collided with a tree, and caused serious injury to six fare-paying passengers.
- 4.4 On 27 July 2015 information was received from the Police that driver 88617 had been arrested and was being investigated for an alleged offence of sexual assault on a female passenger, therefore, in the interests of public safety, authority was granted by the Chair of your Committee to suspend the licence of driver 88617 with immediate effect. The suspension is to remain in force until the case is either finalised or dropped.

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 Regulatory Services enforcement policy, which ensures that equality issues have been addressed.

SERVICE DIRECTOR REGULATION AND ENFORCEMENT