

**BIRMINGHAM CITY COUNCIL**

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

**18 NOVEMBER 2015**  
**ALL WARDS**

**ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE  
CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING  
SEPTEMBER AND OCTOBER 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 September 2015

- 4.1 On 22 September 2015 authority was sought to suspend with immediate effect the private hire driver's licence held by driver reference 3237. On 22 September 2015 information was received that driver 3237 was under investigation for the offence of sexual assault by touching a passenger carried in his licensed vehicle.
- 4.2 In the interests of public safety being considered paramount, an authorisation of the Acting Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 23 September 2015 notice was delivered to driver 3237's home address advising that his private hire driver's licence was suspended with immediate effect in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.3 On 29 September 2015 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 15731. On 28 September 2015 information was received that driver 15731 was under investigation for the offence of possessing indecent images of children, to which the driver had admitted. Bail conditions had been imposed, including the prohibition of unsupervised contact with children under sixteen years.
- 4.4 In the interests of public safety being considered paramount, an authorisation of the Acting Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 29 September 2015 notice was delivered to driver 15731's bail address advising that his private hire driver's licence was revoked with immediate effect in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.5 On 6 October 2015 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 748. On 6 October 2015 information was received that driver 748 was under investigation following an allegation that the driver had assaulted a child transported by him during a home-to-school contract job:
- 4.6 In the interests of public safety being considered paramount, an authorisation of the Acting Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 6 October 2015 notice was delivered to

driver 748's home address advising that his private hire driver's licence was revoked with immediate effect in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

- 4.7 On 23 October 2015 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 2141. On 23 October 2015 information was received that driver 2141 had been charged with the offence of assault. Driver 2141 was recorded on CCTV slamming another driver's leg in the car door, deliberately and repeatedly, causing injury to the victim.
- 4.8 In the interests of public safety being considered paramount, an authorisation of the Acting Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 26 October 2015 notice was delivered to driver 2141's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 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. Public Sector Equality Duty

- 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.

## **ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**