

BIRMINGHAM CITY COUNCIL

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

14 FEBRUARY 2018
ALL WARDS

**ACTIONS TAKEN BY THE CHAIR OF THE LICENSING AND
PUBLIC PROTECTION COMMITTEE DURING JANUARY 2018**

1. Summary

- 1.1 This report advises the Committee of action(s) taken by 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 January 2018

- 4.1 On 8 January 2018 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 99015. On 3 January 2018 an allegation was received from Staffordshire Police: driver 99015 had been arrested for conspiracy to commit burglary. Further information was received from Staffordshire Police: driver 99015 was allegedly involved in large-scale burglary of a dwelling involving car-key and subsequently vehicle theft.
- 4.2 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 8 January 2018 notice was delivered to driver 99015's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. Driver 99015's private hire badge and vehicle identification plates were retrieved.
- 4.3 On 8 January 2018 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 19884. On 6 January 2018 an allegation was received from the West Midlands Police: driver 19884 had allegedly raped a female passenger in his vehicle.
- 4.4 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 8 January 2018 notice was delivered to driver 19884's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.5 On 9 January 2018 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 1200. On 9 January 2018 information was received from the West Midlands Police: driver 1200 had been charged for an offence of driving a motor vehicle with alcohol level above the legal limit. Driver 1200 had lost control of his vehicle and collided with a traffic island. The lowest reading obtained from three specimens of breath was 63µg alcohol per 100ml breath, nearly twice the legal limit.

- 4.6 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 9 January 2018 notice was delivered to driver 1200's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.7 On 22 January 2018 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 21296. On 22 January 2018 information was received from West Midlands Police: driver 21296 had been arrested and bailed on suspicion of having raped a passenger who was being carried in his private hire vehicle.
- 4.8 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 23 January 2018 notice was delivered to driver 21296's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.9 On 30 January 2018 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 16283. On 30 January 2018 information was received from West Midlands Police: driver 16283 had been arrested and bailed on suspicion of having raped a passenger who had been carried in his private hire vehicle.
- 4.10 The interests of public safety being considered paramount, an authorisation of the Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 30 January 2018 notice was delivered to driver 16283's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976. His private hire driver badge and vehicle identification plates were retrieved.

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.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT