

BIRMINGHAM CITY COUNCIL

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

12 April 2017
ALL WARDS

**ACTIONS TAKEN BY THE CHAIR OF THE LICENSING
& PUBLIC PROTECTION COMMITTEE:**
March-April 2017

1. Summary
 - 1.1 This report advises the Committee of actions 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.

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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 March and April 2017

- 4.1 On 9 March 2017 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 21674. On 9 March 2017 information was received that driver 21674 had tested positive for opiates in the mandatory drug test whilst in custody, having been arrested on 1 March 2017 when a search warrant was executed at his home address under the Misuse of Drugs Act. A caution was authorised by the Senior Officer on duty and driver 21674 accepted a caution for possession of a Class A drug.
- 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on 10 March 2017 notice was delivered to driver 21674's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act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. Driver 21674's private hire driver badge and vehicle identification plates were returned to the Licensing Section.
- 4.3 On 9 March 2017 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 19475. On 8 March 2017 information was received from driver 19475's wife that he "was on remand". Clarification was sought: on 21 October 2016 driver 19475 was remanded into custody at West London Magistrates, having been arrested at Terminal 3 Heathrow Airport with a large quantity of Methamphetamine in his luggage. Driver 19475 is on remand in custody awaiting trial at Isleworth Crown Court, on a date to be fixed. This information had not previously been brought to the attention of the Licensing Section.
- 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 13 March 2017 notice was delivered to driver 19475'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. Driver 19475's private hire driver badge was returned to the Licensing Section.

- 4.5 On 31 March 2017 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 2385. On 31 March 2017 information was received that driver 2385 had been arrested on 15 March 2017 when a quantity of Class A drugs was found in the passenger footwell of his licensed private hire vehicle. He is under investigation by West Midlands Police for allegations of possession of controlled drugs with intent to supply. Driver 2385 has been failed to return to the Police on 13 April 2017.
- 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 3 April 2017 notice was delivered to driver 2385'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. Driver 2385's private hire driver badge and vehicle identification plates were returned to the Licensing Section.
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.

DIRECTOR OF REGULATION AND ENFORCEMENT