

BIRMINGHAM CITY COUNCIL

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

28 JUNE 2023

ALL WARDS

**ACTION TAKEN BY THE CHAIR OF THE LICENSING
& PUBLIC PROTECTION COMMITTEE: FEBRUARY/MARCH/APRIL 2023**

1. Summary
 - 1.1 This report advises your committee of action taken by the Chair between meetings, under authority delegated by the Licensing & Public Protection Committee, with an explanation as to why in each case, this authority was used.
2. Recommendation
 - 2.1 The report to 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 Action Taken for February 2023

- 4.1 On 27 February 2023 officers contacted the Chair with respect to driver G, who had been discovered by police officers, asleep at the wheel of his private hire vehicle in the car park of a fast-food restaurant. The engine of his vehicle was still running.
- 4.2 Having been subject to a roadside breath test, driver G was reported to have recorded a result more than twice the legal limit. He was taken into custody and tested again at the police station, where the lowest reading provided was still significantly higher than the legal limit for driving of 35 microgrammes of alcohol, per 100 millilitres of breath. Driver G was detained pending charge.
- 4.3 Having considered the circumstances and the seriousness of the allegation, the Chair authorised immediate revocation of driver G's private hire driver's licence in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

5. Summary of Action Taken for March 2023

- 5.1 On 29 March 2023 officers contacted the Chair in connection with an allegation passed to Birmingham City Council by Colleagues at City of Wolverhampton Council.
- 5.2 Driver H, who at the time was licensed by Birmingham and Wolverhampton is alleged to have dropped a vulnerable lone female, the last drop of four passengers, at her home and then followed her into the house. He is further alleged to have kissed her and exposed himself. The allegation was reported to the police.
- 5.3 Having considered the circumstances and the seriousness of the allegation, the Chair authorised immediate suspension of driver H's private hire driver's licence in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

6. Summary of Action Taken for April 2023

- 6.1 On 20 April 2023 officers contacted the Chair in connection with a renewal application submitted by driver I. On his application form, driver I advised he had been charged with assault. As this had not previously been declared, further enquiries were made by the Police Taxi Liaison Officer.
- 6.2 Those investigations revealed the offence had occurred in August 2022 and was in fact a sexual assault against a pupil he was teaching to drive. Driver I, had not reported his arrest neither had he reported when he was charged, both required by his conditions of licence. In fact, driver I made no report until applying to renew his licence, when he described the charge simply as assault.
- 6.3 Having considered the circumstances and the seriousness of the allegation, the Chair authorised immediate revocation of driver I's private hire driver's licence in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

7. Implications for Resources

- 7.1 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 for or against the City Council.

8. Implications for Policy Priorities

- 8.1 This work contributes to the council's priority of A Safe Birmingham by helping to safeguard vulnerable citizens.
- 8.2 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.

9. Implications for Equality and Diversity

- 9.1 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