

BIRMINGHAM CITY COUNCIL

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

13 SEPTEMBER 2017
ALL WARDS

**ACTION TAKEN BY THE CHAIR OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE DURING AUGUST 2017**

1. Summary

- 1.1 This report advises the Committee of action 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 Action Taken for August 2017

- 4.1 On 1 August 2017 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 94867. On 1 August 2017 information was received that driver 94867, also licensed by Walsall MBC, had been involved in an incident whereby allegations of a serious sexual nature had been made against him by a fare-paying passenger. Interrogation of driver 94867's record revealed that matters of a similar nature had previously been reported to the Licensing Sub Committee.
- 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on 2 August 2017 notice was delivered to driver 94867's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.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 94867's private hire driver badge was retrieved.
- 4.3 Information has now been received from Walsall MBC that driver 94867's private hire driver's licence issued by that authority has also been revoked.
- 4.4 On 18 August 2017 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 89130. On 18 August 2017 information was received that driver 89130 had been involved in an incident whereby allegations of a serious sexual nature had been made against him by a fare-paying passenger.
- 4.5 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 18 August 2017 notice was delivered to driver 89130'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 89130's private hire driver badge and vehicle identification plates were retrieved.

5. Implications for Resources

- 5.1 No specific implications have been identified; however, the driver retains 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 action identified in this report was taken in accordance with the Regulatory Services enforcement policy, which ensures that equality issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT