

BIRMINGHAM CITY COUNCIL

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

16 DECEMBER 2015
ALL WARDS

**ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE
CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING
NOVEMBER 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 November 2015

- 4.1 On 3 November 2015 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 50439. On 23 November 2015 information was received that driver 50439 had been charged with two offences of conspiring to supply Class A drugs and was awaiting trial.
- 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on 3 November 2015 notice was delivered to driver 50439's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act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, and his badge was retrieved.
- 4.3 On 14 July 2015 information had been received from the Police that driver 53068 had been named as the offender in a motoring incident whereby a pedestrian had been injured. Authority was sought and received from the Chair of your Committee to suspend the licence of driver reference 53068 with immediate effect. On 2 November 2015 driver 53068 was found not guilty of the offence, no evidence having been offered by the CPS. Authority was sought and received from the Chair of your Committee to reinstate the licence of driver 53068.

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

Background Notes: nil