

BIRMINGHAM CITY COUNCIL

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

15 NOVEMBER 2023
ALL WARDS

**ACTION TAKEN BY THE CHAIR OF THE LICENSING
& PUBLIC PROTECTION COMMITTEE:**

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.

Contact Officer: Nick Lowe, Head of Licensing, Markets and Private Rented Sector
Telephone: 0121 303 2491
E-mail: Nick.Lowe@birmingham.gov.uk

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 2023

- 4.1 On 29 August 2023 officers contacted the Chair with respect to driver L, the driver was already under investigation and had been interviewed by Licensing Enforcement Officers in connection with six complaints which had been forwarded by two different licensed operators, five of which related to the driver having spoken to or behaved towards young female passengers in a manner which gave cause for concern. A report had already been prepared for submission to the Senior Officer Panel, when a further, similar complaint was received. In the circumstances it was decided to refer the matter to the Chair to consider taking immediate action under delegated authority.
- 4.2 Having considered the circumstances, on 29 May 2023 the Chair authorised immediate suspension of driver L'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. 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 for 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