

**BIRMINGHAM CITY COUNCIL**

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

**21 JUNE 2017**  
**ALL WARDS**

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

- 4.5 On 9 May 2017 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 83905. On 9 May 2017 information was received that driver 83905 had been arrested following his return to Birmingham Airport and detained in custody on charges of being involved with others to supply heroin, cocaine and crack cocaine, both class A drugs, in and around the Midlands area. He is under investigation by West Midlands Police for allegations of possession of controlled drugs with intent to supply.
- 4.6 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and on 3 April 2017 notice was delivered to driver 83905's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act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 83905's private hire driver badge and vehicle identification plates were retrieved from his licensed vehicle.

### 5. Update to Action Taken in March 2017

- 5.1 On 12 April 2017 your Committee was advised regarding the immediate revocation of the private hire driver's licence held by driver reference 2385. He 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, and was under investigation by West Midlands Police for allegations of possession of controlled drugs with intent to supply.
- 5.2 Information was subsequently received from the West Midlands Police: the allegation was withdrawn and it was accepted driver 2385 was not involved in the suspected offences. Consequently, there is no mark against driver 2385's record. An application for the grant of a private hire driver's licence was approved by Licensing Sub Committee on 26 April 2017 and a new licence issued in lieu of the licence that had been revoked.

6. Implications for Resources

- 6.1 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.

7. Implications for Policy Priorities

- 7.1 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.

8. Implications for Equality and Diversity

- 8.1 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**