

BIRMINGHAM CITY COUNCIL

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

18 APRIL 2018
ALL WARDS

**ACTIONS TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC
PROTECTION COMMITTEE DURING FEBRUARY AND MARCH 2018**

1. Summary
 - 1.1 This report advises the Committee of actions 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 Actions Taken for February and March 2018

- 4.1 On 5 February 2018 authority was sought to revoke with immediate effect the private hire driver licence held by driver reference 25498. On 5 February 2018 information was received from West Midlands Police: driver 25498 had been arrested and bailed following allegations of sexual abuse.
- 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on 6 February 2018 notice was delivered to driver 25498's home address advising that his private hire driver licence was revoked with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.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 25498's badge and vehicle identification plates were retrieved.
- 4.3 On 8 February 2018 authority was sought to revoke with immediate effect the private hire driver licence held by driver reference 26609. On 8 February 2018 the DBS certificate produced by driver 26609 disclosed a conviction in Belgium in November 2015 for, amongst others, trafficking persons for the purpose of exploitation. This had not previously been reported by driver 26609 or disclosed upon renewal of the licence in 2016.
- 4.4 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 9 February 2018 notice was handed to driver 26609's representative, advising that his private hire driver 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 26609's badge and licence were returned by the representative.
- 4.5 On 9 February 2018 authority was sought to revoke with immediate effect the hackney carriage driver licence held by driver reference 6039. On 9 February 2018 information was received from West Midlands Police: driver 6039 had been charged for offences of assault by beating.
- 4.6 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 12 February 2018 notice was delivered to driver 6039's bail address advising that his hackney carriage driver 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 6039 has returned his badge and vehicle identification plate.

- 4.7 On 1 March 2018 authority was sought to revoke with immediate effect the private hire driver licence held by driver reference 6802. On 1 March 2018 the Licensing Enforcement Section received a complaint that a vulnerable member of the public who had been subjected to sexual assault by him.
- 4.8 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 1 March 2018 notice was handed to driver 6802, advising that his private hire driver 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 6802's badge and vehicle identification plates were returned by him.
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 Enforcement Policy of the Regulation and Enforcement Division, which ensures that equality issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT