

Birmingham City Council
Licensing & Public Protection Committee

13 March 2024



Subject: Actions Taken by Senior Licensing Officers Under Delegated Authority

Report of: Nick Lowe, Head of Licensing, Markets and Private Rented Sector

Report author: Chris Arundel, Principal Licensing Officer

Does the report contain confidential or exempt information? Yes No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

1 Executive Summary

1.1 This report advises your committee of actions taken by senior licensing officers, under authority delegated by the Licensing & Public Protection Committee, with an explanation as to why delegated authority was used in each case.

2 Recommendation(s)

2.1 The report to be noted.

3 Background

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 Options considered and Recommended Proposal

Summary of Action Taken, November 2023 to January 2024

- 4.1 On 30 November 2023, information was supplied by West Midlands Police, with respect to a Birmingham licensed private hire driver, identified here as M. On 25 November 2023, M was arrested on suspicion of sexual assault against a female child, under thirteen years old. M was interviewed and released on bail.
- 4.2 The matter was referred to a member of the Senior Officer Panel for consideration. Having taken account of the serious nature of the allegation, the officer determined to revoke M's private hire driver's licence with immediate effect, in the interest of public safety. The revocation notice was hand delivered on 30 November 2023, by a member of the Licensing Enforcement Team and M returned his badge and plate to the Licensing Office the following day.
- 4.3 On 10 January 2024, Information was supplied by West Midlands Police, indicating a Birmingham licensed private hire driver, identified here as N, had been arrested on 22 December 2023 in connection with an investigation into an attempted murder. N, had been interviewed and released on bail, pending further investigation, his licensed private hire vehicle had been retained by police, as evidence.
- 4.4 The matter was referred to a member of the Senior Officer Panel for consideration. After careful consideration of the information supplied and the alleged circumstances of the offence, the officer revoked N's private hire driver's licence with immediate effect, in the interest of public safety. The revocation notice was delivered in person, by PC Greg Ward, Police Taxi Liaison Officer. PC Ward also recovered the vehicle identity plate, driver's badge and Home to School transport ID belonging to N, from police storage and returned them to the Licensing Office.

5 Legal Implications

- 5.1 Any action to suspend or revoke a licence can be appealed via the Magistrate's Court. Where an appeal is lodged, the Licensing Authority will be required to defend the Panel decision.

6 Financial Implications

- 6.1 Legal costs incurred through an appeal are funded within the ring-fenced Licensing Service budget. Legal Services will seek to recover costs whenever an appellant is unsuccessful. The decision to award costs, the amount involved and payment timing, is at the discretion of the Court.

7.1 No issues have been identified. The actions referred to above were necessarily undertaken in the course of fulfilling a statutory duty.

7 Other Implications

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.2 The work detailed in this report contributes to the priority 'A Safe Birmingham': through a focus on making the city safer, safeguarding vulnerable citizens.

8 Background Papers

9.1 None

9 Appendices

10.1 None