

BIRMINGHAM CITY COUNCIL

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

29 JUNE 2022
ALL WARDS

**ACTION TAKEN BY THE CHAIR OF THE LICENSING
& PUBLIC PROTECTION COMMITTEE:
JANUARY TO MAY 2022**

1. Summary
 - 1.1 This report advises the Committee of action taken by the Chair under authority from the Licensing & 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 between January and May 2022

- 4.1 On 2 March 2022 authority was sought to suspend with immediate effect the private hire driver's licence held by driver reference 96689, following receipt of information from West Midlands police to the effect the driver had been arrested in connection with an investigation into the alleged rape of a female older than 16 years.
- 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. On 3 March 2022 driver 96689 was sent a copy of the suspension notice to his last known address advising his private hire driver licence was suspended with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.3 On 13 April 2022, authority was sought to suspend with immediate effect the private hire driver's licence held by driver reference 106157, following receipt of information from the driver advising he had been convicted for an offence of Causing Actual Bodily Harm.
- 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. On 19 April 2022 (following the extended Jubilee Bank Holiday) driver 106157 was sent a copy of the suspension notice to his last known address, advising his private hire driver licence was suspended with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.5 On 27 May 2022 authority was sought to suspend with immediate effect the private hire driver licence held by driver reference 17698. On 27 May 2022 the Licensing Enforcement Section received information from West Midlands Police to the effect that the driver has been arrested for an allegation inappropriate touching of a female.
- 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 a notice was sent by first class post to 17698's last known address, advising that his private hire driver licence was suspended with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

- 4.7 On 31 May 2022 authority was sought to suspend with immediate effect the private hire driver licence held by driver reference 5571. On 31 May 2022 the Licensing Enforcement Section received information from West Midlands Police to the effect that the driver was being investigated in relation to an indecent image of a child.
- 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. On 1 June driver 5571 was sent a copy of the suspension notice to his last known address advising his private hire driver licence was suspended with immediate effect, in accordance with Sections 61(1)(b) and 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.9 In January and February 2022 there were no matters that were required to be dealt with as an action by the Chair.
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 relate to the City Council's outcome 4 "Birmingham is a great, clean and green city to live in".
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.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT