

BIRMINGHAM CITY COUNCIL

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

13 JULY 2016
ALL WARDS

**ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE
CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING
APRIL, MAY AND JUNE 2016**

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 During April, May and June 2016

- 4.1 On 15 April 2016 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 1160. On 15 April 2016 information was received that driver 1160 was being investigated for an offence of rape.
- 4.2 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 15 April 2016 notice was delivered to driver 1160 at his home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act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, and his badge was retrieved.
- 4.3 On 20 May 2016 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 63165. On 20 May 2016 information was received that driver 63165 was being investigated for an offence of rape.
- 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on 20 May 2016 notice was delivered to driver 63165 at his home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act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. His badge and vehicle identification plates were returned on 23 May 2016 once the vehicle had been returned to him.
- 4.5 On 9 June 2016 authority was sought to revoke with immediate effect the hackney carriage driver's licence held by driver reference 43971. On 9 June 2016 information was received that driver 43971 had been charged with the offence of failing to provide a specimen for analysis. A previous licence held by driver 43971 was revoked in March 2005. The current offence is driver 43971's fourth such offence; conviction and disqualification ensued as a result of the previous three. The Sub Committee's decision in March 2005 was overthrown by Magistrates upon appeal.
- 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 9 June 2016 notice was delivered to driver 43971 at his home address advising that his hackney carriage 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. His badge and vehicle identification plates were retrieved on 15 June 2016 because he had not returned them as requested.

- 4.7 On 17 June 2016 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 21330. On 17 June 2016 information was received that driver 21330 had been charged with the offence of assault by beating: following a disagreement over the fare paid he had accelerated his vehicle from stationary with one passenger still partly in the vehicle, causing her injury.
- 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 17 June 2016 notice was hand delivered to the sister of driver 21330 at his 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. The badge and plates were retrieved on 24 June 2016 because he had not returned them as requested.

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 Regulatory Services enforcement policy, which ensures that equality issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT