

BIRMINGHAM CITY COUNCIL

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

30 September 2020
ALL WARDS

**ACTION TAKEN BY THE CHAIR OF THE LICENSING
& PUBLIC PROTECTION COMMITTEE:**
January to August 2020

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.

Contact Officer: Sajeela Naseer, Head of Licensing and Markets
Telephone: 0121 303 6112
E-mail: sajeela.naseer@birmingham.gov.uk

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 January to August 2020 – Immediate Suspension/Revocations

- 4.1 On 26 February 2020 authority was sought to suspend with immediate effect the private hire driver licence held by driver reference 107497. On 26 February 2020 the Licensing Section received information from West Midlands Police that the driver was under investigation for an offence of rape.
- 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 26 February 2020 notice was hand delivered personally to driver 107497'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.
- 4.3 On 10 March 2020 authority was sought to revoke with immediate effect the private hire driver licence held by driver reference 99321. On 10 March 2020 the Licensing Enforcement Section received information to the effect that the driver has been arrested for an allegation of assault.
- 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 28 October 2019 notice was hand delivered personally to driver 63728's last known 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.
- 4.5 On 17 April 2020 authority was sought to revoke with immediate effect the private hire driver licence held by driver reference 81033. On 17 April 2020 the Licensing Enforcement Section received information to the effect that the driver has been arrested for an allegation of assault.
- 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 8 November 2019 notice was hand delivered personally to driver 105265'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 26 April 2020 authority was sought to revoke with immediate effect the private hire driver licence held by driver reference 5919. On 26 April 2020 the Licensing Enforcement Section received information to the effect that the driver has been arrested for an allegation of harassment and distributing sexual images.
- 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 26 April 2020 notice was hand delivered personally to driver 5919's last known 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.
- 4.9 On 07 May 2020 authority was sought to revoke with immediate effect the private hire driver licence held by driver reference 19285. On 26 April 2020 the Licensing Enforcement Section received information to the effect that the driver has been arrested for an allegation of serious sexual offences.
- 4.10 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 11 May 2020 notice was hand delivered personally to driver 19285's last known 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.
- 4.11 On 07 August 2020 authority was sought to revoke with immediate effect the private hire driver licence held by driver reference 6713. On 07 August 2020 the Licensing Enforcement Section received information to the effect that the driver has been arrested for an allegation of serious sexual offences.
- 4.12 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 07 August 2020 notice was hand delivered personally to driver 6731's last known 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.
5. Summary of Action Taken for January to August 2020 – COVID-19
- 5.1 On 9 April 2020 authority was given for changes to the Licensing Policy in response to the COVID-19 pandemic. Appendix 1
- 5.2 On 10 June 2020 authority was given for further changes to the Licensing Policy in response to the COVID-19 pandemic. This report was presented to informal Licensing and Public Protection Committee on the same date. Appendix 1.

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 Licensing Policy priority of improving the standards of licensed vehicles, people and premises in the City.
- 7.2 The issues addressed in this report relate to the City Council priorities of: Birmingham is an entrepreneurial city to learn, work and invest in, and Birmingham is a great city to live in.

8. Public Sector Equality Duty

- 8.1 The actions identified in this report were taken in accordance with the Regulatory and Enforcement's enforcement policy, which ensures that equality issues have been addressed.

INTERIM ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Amendments in response to COVID-19.

A. Agreed Amendments

Service Area	Amendment	Status
HCPH	Where a driver or vehicle licence due for renewal during this period of imposed restrictions ('lockdown') expires, the licence holder will, once the lockdown has ended, be permitted to apply for a 'late renewal'. Once the lockdown is over, and trade begins to recover, licence holders will then be able to submit an application to, to all intents and purposes, resurrect their previous licence without undertaking additional tests. They WILL still be required to fulfil any suitability requirements as to MOT's, medicals and DBS checks where appropriate.	Agreed April 2020 Temporary
	<i>For clarification, this should have also stated that such a transaction would be carried out at the standard renewal fee and will not be required to be put before a committee for determination.</i>	For decision Temporary
	Where a hackney carriage vehicle licence expires as a result of the circumstances detailed above, the licence holder will be permitted to 'renew' the licence unimpeded by the moratorium. There will be no effective increase in the number of vehicles in operation, and so the moratorium should not be applied in these circumstances.	Agreed April 2020 Temporary
<p>See also existing policies MitEx1-7:</p> <p>A limited exemption from the moratorium on the issue of new hackney carriage vehicle licences can be allowed for proprietors of hackney carriage vehicles who surrender or allow their vehicle licence to expire between 1 January 2019 and 1 January 2021, to the effect they may apply for the grant of a new hackney carriage vehicle licence irrespective of any moratorium requirement, so long as the applicant meets all of the qualifying criteria. The vehicle must be of a suitable type and all licensing prerequisites applicable at the time of licensing must be complied with.</p>		
General Licensing (all)	Applications for licences administered by the General Licensing team are to be submitted electronically, either using the EGov platform, or by email.	Agreed April 2020
General Licensing (LA2003)	Details of new Licence Applications (LA2003) are to be circulated to elected members and posted onto the website in acknowledgement of the potential impact of lockdown arrangements on the efficacy of the 'blue notice' process.	Agreed April 2020 Temporary

