

Committee: LICENSING

Agenda Item

Date: 10 November 2010

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Title: EXERCISE OF DELEGATED POWERS

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Item for information

Summary

1. This report is to inform members of the exercise of my delegated powers since the last meeting of this committee.

Recommendations

2. That members note the contents of this report.

Financial Implications

3. None.

Impact

- 4.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	Drivers whose licences are suspended have a right of appeal to the Magistrates Court. In the event that an appeal is lodged they may continue to drive until such time as the appeal is abandoned or determined.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

5. Since the last meeting of this committee I have interviewed 9 drivers for breaches of conditions attached to their licence. In 8 cases the breach complained of was that they had failed to notify the council in writing of penalty points on their licence within 7 days. In the other case there was a complaint regarding the condition of the vehicle, the driver's dress and the fact that he was not displaying his badge.
6. In 3 cases there were strong mitigating circumstances which led me to take no action. In 4 other cases I suspended the driver for a period of 2 days. In 2 cases a suspension of 2 days would have been disproportionate and I therefore suspended the licence in those cases for 1 day each. In one case however there were aggravating factors which led me to issue a suspension for 3 days.
7. To date no notices of any appeals have been received.

Risk Analysis

9.

Risk	Likelihood	Impact	Mitigating actions
A driver may appeal against the decision suspending his or her licence.	1, the drivers have admitted the breach of condition and the suspensions are proportionate. In the event that a driver was to appeal unsuccessfully the driver would probably be required to reimburse the council its legal costs.	2, an appeal would create an additional work load for officers in Legal Services and there is a small risk of cost in the event the appeal was successful.	None in the context of this report.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.