

Committee: LICENSING

Agenda Item

Date: 19 January 2011

8

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 7 drivers for various matters.
6. In 3 cases I suspended licences for a period of 2 days for failing to notify the council in writing of penalty points within 7 days. In a further case of the same breach of condition I suspended the driver's licence for a period of 7 days. The reason for this is that this particular driver only works one day a week and a 7 day suspension was necessary to ensure that it was effective.
7. In a further case I suspended a driver's licence for a period of 7 days. A complaint had been made regarding the driver's driving. The driver admitted the allegation and accepted that his driving was at the very least careless. Had the driver been observed by a Police office the probability is that he would have been charged with an offence of careless driving. He would have been fine and his licence endorsed. The financial loss which he would suffer based upon income figures which he gave to me would be the equivalent of a fine although of course his licence will not now be endorsed.
8. In 2 other cases I took no action as the drivers did notify the council of their points although outside of the 7 day period. In these cases I reminded the drivers of the need to comply strictly with the condition in the future.

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

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- 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.