

**Committee: LICENSING**

**Agenda Item**

**Date: 16 March 2011**

**6**

**Title: EXERCISE OF DELEGATED POWERS**

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Item for information

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## 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 6 drivers for various matters.
6. In 1 case I suspended the licence for a period of 1 day 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 2 days. In a third case I suspended a driver for a period of 7 days. The reason for this is that this particular driver failed to attend for an interview and the length of the suspension was based upon my knowledge of the average earnings of drivers with the operator for whom the driver worked. Finally I suspended the licence of a driver for 14 days where she failed to attend an interview and I had no information regarding the drivers income save for the fact she told my P.A that she was a full time trainer from which I deduced that private hire driving was not her main occupation.
7. With regard to all of these cases the time for appeal has lapsed and no notice of appeal has been received.
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.