

Exercise of delegated powers

Licensing and Environmental Health Committee, 12 October 2011, item 8

Committee: LICENSING & ENVIRONMENTAL HEALTH

Agenda Item

Date: 12 October 2011

Title: EXERCISE OF DELEGATED POWERS

8

**Author: Michael Perry, Assistant Chief Executive,
01799 510416**

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 5 drivers for breaches of conditions attached to their licence. 2 of these were in relation to failing to notify the council of an accident within 72 hours, 3 were for failing to notify the council of fixed penalty notices within 7 days.
6. In one case I suspended the driver for a period of 3 days as it was the second time I had interviewed him for a breach of condition, having suspended him for 2 days on the previous occasion. Despite this earlier suspension the driver displayed a worrying ignorance of the conditions attached to his licence. In another case I suspended the driver for 2 days. In the third case I suspended the driver for 1 day as given the driver's income a longer suspension would have been disproportionate.
7. In 2 cases I took no action as the drivers had understandable excuses for not having notified the council within the required timetable. I reminded both drivers of the need to comply strictly with the conditions in the future.

Risk Analysis

9. There are no risks associated with this report.

Exercise of delegated powers

Licensing and Environmental Health Committee, 12 October 2011, item 8

Committee: LICENSING & ENVIRONMENTAL HEALTH

Agenda Item

Date: 12 October 2011

Title: APPEALS

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Author: Michael Perry, Assistant Chief Executive,
01799 510416

Item for information

Summary

1. This report is to inform members of the outcome of appeals heard since the last meeting of this committee.

Recommendations

2. That members note the contents of this report.

Financial Implications

3. In one of the appeals costs were awarded to the council which the council will retain

Impact

- 4.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	None
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

5. On 23 November 2010 the Licensing Committee dealt with a review of the premises licence for Costcutters in Saffron Walden. The committee suspended the licence for a period on 1 month and imposed additional conditions on the licence.
6. Costcutters appealed against the decision. Due to no fault on the part of either party it took a long time before the appeal was heard. The matter was listed to be dealt with on 27 July 2011. In the interim period although because of the appeal the conditions imposed by the committee were not effective the licence holder had put measures into place to comply with those conditions. Further trading standards had attempted a test purchase using with a young person under the age of 18 which had not resulted in a sale of alcohol. In the circumstances the appeal was dealt with by consent with the conditions remaining and the period of suspension being reduced to 1 week.
7. Enforcement officers monitored the premises during the period of the suspension and conformed that it was fully complied with.
8. On 19 April 2011 the Licensing Committee revoked the private hire driver's licence of Mr Peter Burgon. Mr Burgon had recorded 4 minor motoring convictions within 3 years (having his licence endorsed with 3 points on each). As such Mr Burgon no longer met the council's licensing standards and the committee were not satisfied that there were grounds to justify departing from it policy.
9. Mr Burgon appealed against that decision and the appeal was heard by the Harlow magistrates on 31 August 2011. The court upheld the committee's decision and ordered Mr Burgon to pay the council's costs in the sum of £1750.00. Mr Burgon has not appealed against that decision and has now returned his driver's badge to the council.

Risk Analysis

9. There are no risks associated with this report.