

Committee: LICENSING & ENVIRONMENTAL HEALTH

Agenda Item

Date: 18 January 2012

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 twelve drivers for potential breaches of conditions attached to their licence.
6. Six matters related to failing to notify the Council of fixed penalty notices within seven days of the same being imposed. In three of those cases I suspended the licence for two days. In one case I imposed a one day suspension as a longer period would have caused disproportionate hardship. The other two drivers had failed to notify more than one fixed penalty notice. I considered that in their cases a three day suspension would be appropriate. I suspended the licence of one driver for three days and the other for seven days as he only worked three days a week and the suspension therefore had to be a week to be effective.
7. In two cases the breach of condition was failure to wear the driver's badge. This is not only a condition of the licence but also a requirement of the legislation breach of which is an offence punishable by a fine of up to £1000. Further conviction for an offence under the Act is a statutory reason for revoking a licence and would also mean that the drivers did not meet our standards. They would therefore have had to satisfy the committee that notwithstanding the condition he remained a fit and proper person to hold a licence. I considered that in the circumstances a prosecution would be disproportionate and therefore dealt with the situation by way of a two day suspension in the case of 1 driver and a 1 day suspension for the other. The financial loss suffered by these drivers as a result of the suspensions will be about the same due to their different levels of income.
8. In four cases I took no action as either I was satisfied that there was in fact no breach of condition or that the circumstances were such that no sanction was appropriate.
9. Apart from the drivers I interviewed I also suspended one driver with immediate effect in the interests of public safety on the basis of information supplied by Mr Hardy following an interview he had with the driver. That driver's licence was revoked by the committee at an extraordinary meeting on 5 January 2012.
10. Although the time for appeal is still running in some cases none of the drivers who have been suspended have indicated that they are likely to appeal.

Risk Analysis

There are no risks associated with this report.