

Committee: LICENSING & ENVIRONMENTAL HEALTH

Agenda Item

Date: 18 January 2012

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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 eight drivers for potential breaches of conditions attached to their licence.
6. 7 of the matters related to failing to notify the Council of fixed penalty notices within seven days of the same being imposed, the other was in respect of a driver failing to wear his badge. In 4 of those cases I suspended the licence for two days. In 1 case I imposed a 5 day suspension. This was the second time this particular driver had failed to report a fixed penalty notice. Further the FPN in question was received by him within 3 weeks of his previous suspension being imposed. In addition to the 5 day suspension I warned this driver that if there were to be a 3rd breach of condition I would refer him to the committee for members to determine whether he remained a fit and proper person. 1 driver only works weekends and I therefore imposed a 7 day suspension which in effect would stop him from driving for 2 days. I suspended a driver for 3 days as he had received 2 FPNs in the 12 months between renewals and failed to notify us of either. He expressed ignorance of the condition. He had not been suspended previously but in view of the 2 breaches of condition I considered a 3 day suspension appropriate. Finally I suspended another driver for 3 days following my notifying the trade of members' concern that 2 days was not proving to be a suitable deterrent and that 3 days would therefore become the starting point.
7. The decision to increase the starting point for suspensions has been well communicated to the trade. I have stated that if 3 days does not prove to be a sufficient deterrent then I will continue to increase the starting point for suspensions until either the suspensions do have the desired effect or I reach the level of my delegated powers. I have also informed the trade that if a driver breaches conditions on the licence on 3 separate occasions then the driver will be referred to the Committee to consider whether to revoke the licence on the basis that someone who persistently ignores conditions is not a fit and proper person.
8. None of the drivers referred to above who have been suspended have appealed against the decision.

Risk Analysis

There are no risks associated with this report.