

Committee: LICENSING & ENVIRONMENTAL HEALTH

Agenda Item

Date: 11 July 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 dealt with six drivers for various matters under delegated powers.
6. 3 of the matters related to failing to notify the Council of fixed penalty notices within seven days of the same being imposed. In 2 cases I suspended the licenses for 3 days in the other I suspended the licence for the maximum of 14 days allowed by the scheme of delegation. The reason for the length of this suspension is that the driver concerned would not suffer any loss of income arising from the suspension and would suffer only minor inconvenience.
7. A further driver was interviewed for displaying the licence plate in the rear window of the vehicle and not on the back of the vehicle as required by our conditions. There were extenuating circumstances to this case and I took no action.
8. Another case involved allegations that a driver had been abusive to a member of the public. Having evaluated the evidence and interviewed the driver I was satisfied that on the balance of probabilities the complaint was malicious and that no action was therefore required.
9. In the final case a driver no longer met the Council's licensing standards having been convicted of an offence of assault. I suspended his licence with immediate effect in the interests of public safety pending an extraordinary meeting of this Committee to consider whether the driver should continue to be licensed. The Committee met on 3 July. This was 12 days after the suspension was imposed. This is longer than would normally be the case but the driver was on holiday at the time of the suspension and the 3 July was the earliest that a hearing could be arranged to give the driver a reasonable time to prepare. In the event the driver's licence was revoked by the Committee with immediate effect in the interests of public safety.

Risk Analysis

There are no risks associated with this report.