

**Committee: LICENSING & ENVIRONMENTAL HEALTH**

**Agenda Item**

**Date: 24 October 2012**

**6**

**Title: EXERCISE OF DELEGATED POWERS**

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

Item for decision

---

## 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.

## Background Papers

4. None.

## Impact

- 5.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	Drivers who have their licences 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 an appeal is abandoned or determined.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

## **Situation**

6. Since the last meeting of this committee I have dealt with 15 drivers for various matters under delegated powers.
7. Nine of these matters related to failing to notify the council of fixed penalty notices within 7 days of the same being imposed. In 7 of those cases I suspended the licences for 3 days. In the other 2 days I suspended the licences for 2 days as and in both cases there were mitigating factors.
8. One driver had failed to notify the council of a fixed penalty notice and had made two false statements to obtain a licence (stating that she had not received a fixed penalty notice when she had, although this is an offence this is a technical matter as the existence of the fixed penalty notice became apparent from her driver's licence). She also failed to notify the council of a change in her medical condition which potentially affected her ability to drive. In the circumstances of this case I did not suspend the licence but I declined to renew the licence under delegated powers pending receipt of a satisfactory medical report. To date no such report has been forthcoming and the driver therefore remains unlicensed.
9. Four cases involved drivers failing to wear their badge. In 3 of these I suspended the licence for 3 days. In the other case I suspended the licence for 2 days as given the level of the driver's income a 3 days suspension would have been disproportionate.
10. One driver was suspended with immediate effect in the interest of public safety. That driver's case is to be reviewed by the committee on the 24 October.

## **Risk Analysis**

11. There are no risks associated with this report.