

Committee: LICENSING & ENVIRONMENTAL HEALTH

Agenda Item

Date: 27 March 2013

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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 interviewed 10 drivers for various matters which may have required the exercise of my delegated powers.
7. Six of these were in respect of suspension of failure to notify the council of a fixed penalty notice within 7 days. Two cases involved drivers ceasing to meet medical standards. One case involved allegations of the manner of a driver's driving and the final case concerned a driver who had been convicted of two offences of benefit fraud (which meant that she ceased to meet standards in any event) and failed to notify the council of those convictions.
8. With regard to the fixed penalty notices action was taken in respect of one case only where the driver was suspended for one day. In that case the driver volunteered the information reasonably shortly after return of the licence and a suspension would have caused hardship. In two cases although it appeared that the council had not been informed of a fixed penalty notice, evidence was found to show that notification had been given in time and therefore no action was appropriate. In two further cases, the delay in notification was short and the driver did notify the council of the endorsement promptly after the licence was returned with points endorsed. In both cases warnings were given as to future conduct. In the final case the suspension would have caused the driver to suffer extreme hardship and therefore no suspension was given but again a warning was given as to future conduct.
9. With regard to the driver who had a complaint regarding his manner of driving, the incident (which was admitted) was at the lower end of the scale. The incident concerned was as a result of an error or judgement rather than deliberate bad driving and the driver has been the subject of a disciplinary process by his operator. In the circumstances, I consider that a further sanction would not be appropriate but warned the driver as to his future conduct.
10. With regard to the two drivers who ceased to meet medical standards, the first of these was discovered on an application for renewal. The licence was not renewed and suspended with immediate effect. In the other case, the licence was suspended with immediate effect until the Committee meeting on 20 March 2013.
11. With regard to the driver who was convicted of benefit fraud, this again came to light on renewal of the licence. Having interviewed the driver on two occasions at some length I was not satisfied there were any grounds upon which the committee may be prepared to make an exception to its policy and I therefore refused to renew the licence.

Risk Analysis

12. There are no risks associated with this report.