

Committee: LICENSING

Agenda Item

Date: 10 July 2013

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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

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. At its meeting on the 27 March 2013, the committee adopted a Licensing Policy for the hackney carriage and private hire trades. Paragraph 6 of that policy dealt with enforcement issues and paragraph 6.10 of the policy provided that "... without fettering the discretion of the Assistant Chief Executive – Legal or the Licensing & Environmental Health Committee to impose a longer or shorter suspension if the circumstances of a particular case require it, the policy of the council is that the starting point for a suspension for a first case of a breach of condition should be 5 days".
7. Prior to the adoption of the policy the starting point for a suspension for breach of condition was 3 days. Because of the change in the starting point, members agreed to an amnesty. Following the meeting on the 27 March I therefore wrote to every driver licensed by the council notifying them of the adoption of the policy and informing them that if there were matters which ought to have been notified to the council which had not been notified as required by the conditions of the licence, no action would be taken against any driver who reported such matters no later than the 30 April providing that they still met the council's licensing standards.
8. During the amnesty period 65 matters were reported to the council which had not been reported in time. These comprised 48 accidents (43 of which related to one operator), 11 failures to notify the council of fixed penalty notices and 6 failures to notify changes of address.
9. It is understood that all the accidents were very minor in nature and that the vehicles were all repaired promptly.
10. Since the expiration of the amnesty I have interviewed two drivers who failed to declare fixed penalty notices. Both of these drivers failed to take advantage of the amnesty period and the matter only came to light on application to renew. There were no mitigating circumstances in either case and I therefore suspended both of the drivers for 5 days. The time for appealing against those decisions has not yet elapsed.

Risk Analysis

11. There are no risks arising from this report.