

Committee: Licensing & Environmental Health

Agenda Item

Date: 5 March 2014

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Title: Exercise Of Delegated Powers

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

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 or revoked 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 unless the suspension or revocation is expressed to take immediate effect.
Sustainability	None.
Ward-specific impacts	None.

Workforce/Workplace	None.
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Situation

6. Since the last meeting of this committee I have dealt with 18 drivers under delegated powers.
7. Ten of these cases involve not notifying the council of fixed penalty notices and one not notifying the council of a motoring conviction within seven days. In five cases there were no mitigating or aggravating factors and a five day suspension was therefore imposed in accordance with policy. In four cases there were mitigating factors which led to shorter periods of 2-3 day suspensions being imposed. In another case the driver had failed to notify us of two separate fixed penalty notices within seven days. He had not however previously been suspended for failure to notify such matters. The breach of the condition on two occasion justified longer suspension and I suspended his licence for eight days. In a further case the driver failed to make contact despite being asked to attend an interview on two occasions. There is reason to believe that this particular driver is not currently working and a suspension would not therefore have a financial impact. I therefore suspended him for the maximum allowed under delegated powers namely 14 days.
8. Three cases involved failing to inform the council that the driver had been involved in an accident. For two of these drivers, there were no aggravating or mitigating factors and five day suspensions were imposed. The other driver did have valid mitigation and was only suspended for two days.
9. In another case information was received by the council which cast doubt upon the driver's medical fitness to drive. His licence was suspended with immediate effect in the interest of public safety and a committee date set. By the time the matter came before committee the driver had undergone a driving assessment and further medical examination. In light of the information before the committee, the committee revoked the licence with immediate effect on the basis that it was not satisfied that the driver was a fit and proper person.
10. Two cases I dealt with did not involve existing drivers but applicants for new licences. Both of these applicants did not meeting licensing standards due to unspent convictions. I could see no grounds upon which a departure from policy would be justified and therefore refused the applications under delegated powers.
11. The final case concerned a driver who applied to the council for a licence supported by a DBS check obtained on behalf of another local authority and a statutory declaration in which he declared that since the date of that DBS check he had not been charged with any criminal offences nor had he been investigated for any criminal offences. Having granted the licence the council received an anonymous tip-off which indicated that the driver had been convicted for a serious offence of dishonesty. Enquiries revealed that at the time he made the declaration he had not been convicted (the conviction followed later) but that he had been investigated for the offence and charged

and was at the time of the declaration awaiting trial. The offence of which he was convicted was a serious one for which he was given a two year suspended sentence and fined £10,000. That coupled with the offence of perjury for making a false statutory declaration led me to conclude he was not fit and proper and I therefore revoked his licence in accordance with my delegated powers.

Risk Analysis

12. There are no risks attached to this report.