

Committee: LICENSING & ENVIRONMENTAL HEALTH

Agenda Item

Date: 1 October 2014

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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 had 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 the appeal is abandoned or determined unless the suspension has been imposed with immediate effect in the interest of public safety.
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 7 drivers with a view to exercising my delegated powers. This is most encouraging as the months of July and August are the busiest in the year for renewal of licences. Typically therefore it would be expected that more drivers would be detected for failing to notify convictions and fixed penalty notices during this period than at other times of the year. By comparison with previous reports, the number this time is very low.
7. Four of the drivers interviewed had failed to notify the council of a fixed penalty notice. Three of these were suspended for 5 days each. In their cases there were no aggravating or mitigating factors. In the other case, the driver was suspended for 3 days. The driver there had notified the council promptly upon return of the licence with the penalty points endorsed and volunteered the information prior to renewal.
8. A further driver detected driving a private hire vehicle with the plate in the back window rather than on the exterior of the vehicle as required by conditions. He was also driving at excess speed (80 mph plus in a 70 limit) and overtaking on a motorway on the inside lane. That driver was suspended for two days. The level of his income was such that a longer suspension would have been disproportionate compared to any likely fine had this been witnessed by a traffic officer and he had been prosecuted.
9. A further driver was reported for dangerous driving and during the course of the investigation it was discovered that he had failed to notify the council of a change of address in accordance with the conditions of his licence. He failed to attend the interview or give any explanation for not doing so and in the circumstances; I suspended him for the full 14 days.
10. Finally I suspended a driver with immediate effect having been informed by his operator that he had been charged with an offence of indecency with a child. This driver's case is due to be considered by the committee shortly.

Risk analysis

There are no risks associated with this report.