

Committee: LICENSING & ENVIRONMENTAL HEALTH

Agenda Item

Date: 21 January 2015

5

Title: EXERCISE OF DELEGATED POWERS

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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 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 4 drivers with a view to exercising my delegated powers. Each of the drivers dealt with had failed to notify the council of a fixed penalty notice within 7 days. In none of the cases were there any mitigating or aggravating factors. All drivers were therefore suspended for 5 days.
7. In addition to suspensions, 15 drivers and 4 operators received cautions for offences under the Local Government (Miscellaneous Provisions) Act 1976. Ten drivers were cautioned for the offence of failing to wear their driver's badge (one of these was in addition cautioned for an offence of driving a private hire vehicle without a licence). Four drivers were cautioned for failing to display the vehicle plate and one for making a false statement to obtain a licence in circumstances where a prosecution would not have been in the public interest. Two operators were cautioned for failing to notify the council of an accident within 72 hours. One was cautioned for permitting a vehicle to be used without displaying a plate and a further operator was cautioned for failing to keep records of bookings in accordance with the conditions of his licence.
8. Prior to the adoption of the Licensing Policy the offences of failing to wear a badge or display a plate would normally have been dealt with by way of a short suspension. The committee decided that under its adopted policy it would prefer to deal with criminal matters to through the criminal legal system and hence offences under the 1976 Act would be dealt with by way of a formal caution or prosecution. The number of offences does appear to have escalated significantly since that time and members may consider that in the circumstances, a caution is not generally appropriate and a prosecution should be brought even for a first offence. Members views are sought on this issue.

Risk Analysis

9. There are no risks associated with this report.