

**Committee: LICENSING & ENVIRONMENTAL HEALTH**

**Agenda Item**

**Date: 9 September 2015**

**7**

**Title: DELEGATED POWERS**

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Item for decision

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## **Summary**

1. This report is to seek an extension of officer's delegated powers:-
  - a. To enable drivers with medical conditions to take advantage of three year driver licences.
  - b. To ensure that drivers produce medical certificates and Disclosure and Barring Service checks at 3 year intervals

## **Recommendations**

2. That where an applicant for the grant of a new licence or for a renewal of an existing licence produces a medical certificate indicating that the driver is currently fit within the meaning of class 2 medical standards, but the certificate recommends that due to potential concerns regarding the driver's health that he or she should be monitored more frequently than once every three years, the Assistant Chief Executive – Legal shall have power to add an additional condition to that driver's licence requiring the driver to produce medical certificates at specified intervals during the period of the licence.
3. That where a driver fails to produce a medical certificate in accordance with a condition imposed on the licence or produces a certificate stating that he is not fit to drive that the Assistant Chief Executive – Legal shall have delegated power to suspend the driver's licence with further power to suspend the licence with immediate effect in the interest of public safety should the Assistant Chief Executive – Legal consider this necessary. The period of suspension shall be in the discretion of the Assistant Chief Executive – Legal, provided that he shall bring the driver before the Licensing & Environmental Health Committee as soon as is reasonably practicable for the committee to review his decision and to remove or continue the suspension or to revoke the licence.
4. In the event that before a driver whose licence has been suspended produces to the Assistant Chief Executive – Legal a medical certificate stating that he is fit to drive within class 2 standards before his or her case is considered by the committee, the Assistant Chief Executive – Legal shall have power to lift the suspension either immediately or at some specified future date.
5. That where a driver fails to produce a medical certificate or enhanced DBS check when due under the Council's policy then the Assistant Chief Executive – Legal shall have delegated power to suspend the driver's licence with further power to suspend the licence with immediate effect in the interest of public safety should the Assistant Chief Executive – Legal consider this necessary. The period of suspension shall be in

the discretion of the Assistant Chief Executive – Legal, provided that he shall bring the driver before the Licensing & Environmental Health Committee as soon as is reasonably practicable for the committee to review his decision and to remove or continue the suspension or to revoke the licence.

6. In the event that before a driver whose licence has been suspended produces to the Assistant Chief Executive – Legal a medical certificate and/or an enhanced DBS check showing that the driver meets the Council’s licensing Standards before his or her case is considered by the committee, the Assistant Chief Executive – Legal shall have power to lift the suspension either immediately or at some specified future date

**Financial Implications**

7. None.

**Background Papers**

8. None.

**Impact**

- 9.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	None.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

**Situation**

10. As members will be aware the Local Government (Miscellaneous Provisions) Act 1976 as amended requires drivers’ licences to be issued for a period of three years unless the circumstances of any particular case warrant otherwise.
11. One possible reason for the council to wish to grant a licence for a shorter period is where a driver has an underlying medical condition which may not render him or her unfit to drive at the present time but which does require more frequent monitoring than three-year intervals. In such circumstances, the grant of a licence for a lesser period of time would be justifiable.

12. On the 12 August 2015 the committee approved a fee structure for drivers' licences which took account of the possibility of licences being granted or renewed for one or two years in appropriate cases. However, the costs to a driver of renewing on such a basis over a three year period exceed the cost of a three year licence. For example if an applicant required annual medical checks then an applicant for a new licence would pay £218 over a three year period compared to a fee for a new three year licence of £140. A driver currently licensed by this council who renews during the period 1 October 2015 to 30 September 2016 would pay £187 over a period of three years compared to a driver who does not require more frequent medicals who would pay £109.
13. It is considered that the need for annual renewals can be overcome by an appropriate condition attached to the licence. This would require drivers to submit medical certificates during the course of the licence and the delegated powers proposed would enable swift action to be taken in the event that the driver failed to provide a medical certificate in accordance with the terms of his licence or provided a certificate which indicated that he or she was no longer fit to drive.
14. A separate report on the agenda deals with amendments to the Council's policy arising from the requirement to issue 3 year licences. If approved drivers will be required to produce enhanced DBS checks and medical certificates during the currency of their licences. It is essential to have in place a mechanism to take swift action in respect of drivers who fail to produce such certificates when required to do so.
15. The software system used by the Licensing team will be able to generate alerts to show that drivers are due for a medical and DBS check and to indicate when a medical certificate or DBS check has not been provided as required.

## Risk Analysis

16.

Risk	Likelihood	Impact	Mitigating actions
An unfit person is permitted to drive private hire or hackney carriage vehicles.	1, the enforcement of the condition will have the same effect as if the licence was required to be renewed.	4, licensing of an unfit driver could lead to damage to property, personal injury to the driver or third parties or even death.	These are already built into the recommendation.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.