

**Committee:** Licensing and Environmental Health

**Agenda Item**

**Date:** 25 January 2017

**5**

**Title:** ENFORCEMENT

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Item for decision

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### Summary

1. This report is to inform members of the enforcement activities taken since the retirement of Michael Perry and the transfer of his delegated powers to myself in my capacity as lead officer for Licensing.

### Recommendations

- .2. That members note the contents of this report.

### Financial Implications

3. None arising from this report.

### Background Papers

- 4 None

### Impact

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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

- 6 Since this committee's last ordinary meeting, the retirement of Michael Perry as Assistant Chief Executive and my appointment as the lead officer for Licensing on 08 August 2016, eleven drivers have been dealt with under delegated powers, One by Christine Oliva and ten by me. All drivers were interviewed for failing to notify the council of a fixed penalty notice within 7 days and invited to offer an explanation as to why this breach of conditions occurred.
- 7 In respect of one case I took no action with regard to the breach as the driver concerned had not driven in a professional capacity since the time of issue of the fixed penalty notice. His vehicle plate had expired and was surrendered at the time of the interview.
- 8 A further case resulted in no action as the driver had never received the original fixed penalty notification as it had gone to the wrong address which was temporarily unoccupied. He did not become aware of the fixed penalty notice until 3 months after it had been issued which then coincided with a family holiday. On reviewing his records he noted his error in not notifying us and contacted us immediately although this was some twelve months later. Given the circumstances and the fact that the individual only drives extremely rarely to, provide emergency cover, it was felt that any suspension would be ineffective.
- 9 In another case I suspended the driver for one day as the driver had telephoned the office to report the breach within 7 days but was advised in line with council policy that such notifications should be made in writing. Due to personal circumstances there was an oversight and this requirement was not followed up. The driver in question fully recognised his error and it was noted that an attempt to notify us had been made.
- 10 In a further case I suspended a driver for two days. As mitigation the driver detailed the personal pressures that they were under at the time. They also stressed that they now fully recognised their responsibility to notify the council in the correct manner.
- 11 In a further four cases drivers were suspended for a period of four days one case recognising that although he informed his manager he had failed to notify us. The other cases all admitted their mistake and provided reassurances that there would be no repeat of the breach.
- 12 In two further cases there were no aggravating or mitigating factors and the starting point for a suspension of five days was imposed.
- 13 With respect to the final case it was noted that in addition to an offence date details of a conviction date for driving with undue care and attention had been given within the information contained on the DVLA search. The driver was

invited to make representation at interview but it was felt that the information provided lacked clarity and consequently the interview was adjourned to allow further information to be sought. It is thought likely that this driver will be referred to the Licensing and Environmental Health Committee for consideration as to what further action may be appropriate as a conviction for an offence could constitute a failure to meet our licensing standards for drivers.

## **Risk Analysis**

14. There are no risks attached to this report.