



REPORT OF THE DIRECTOR OF RESILIENT COMMUNITIES

LICENSING AND SAFETY COMMITTEE

14 FEBRUARY 2023

POTENTIAL POLICY CHANGE TO INTRODUCE SIX MONTHLY DVLA CHECKS

1.0 Summary of Report

- 1.1 This report responds to a request by members of Taxi Licensing Sub 'A' for the Licensing and Safety Committee to consider a policy change to introduce six monthly DVLA checks.
- 1.2 The Council as Licensing Authority should always ensure that there is transparency its processes and any changes are justifiable and proportionate.

2.0 Recommendation

- 3.1 That a review of the number of cases of non-disclosure of endorsements be undertaken to inform future decisions on any change to the relevant licensing policies regarding the frequency of DVLA checks.
- 3.2 That that a further report be presented to the Licensing and Safety Committee in six months' time or as part of the general review of policies referred to in paragraph 3.5 whichever is soonest.

3.0 Background

- 3.1 At a meeting of the Taxi Licensing Sub-Committee in December 2022, members requested for a report to the Licensing and Safety Committee to consider the introduction of six monthly DVLA checks for Licensed drivers. DVLA checks are done every 3 years. If a licence has been issued for a shorter period, at the time of renewal a new DVLA check is required.
- 3.2 Walsall currently has 1368 licensed drivers of which a handful of drivers have been found to have failed to inform the licensing authority of points endorsed on their DVLA licence. Currently, there has been no feedback from the Local Government Association suggesting that licensing authorities are experiencing an increase of non-reports of endorsements on DVLA licences.
- 3.3 Where drivers fail to inform the licensing authority of points on their DVLA licence, a warning letter is sent from the Head of Community Safety and Enforcement informing the licence holder of their breach of conditions and

consequences of the breach or further breaches would result in a review of their licence.

- 3.4 Where there are extenuating circumstances or concerns regarding a drivers behaviour or pattern that has been identified, these are referred to members or the Head of Community Safety & Enforcement for a decision.
- 3.5 A number of changes to taxi legislation and further changes to policies are due to come in later this year to help have a national approach to applications, procedures for the licensing of drivers, operators and vehicles. This has been the subject of previous reports to the Committee and further reports are to be presented when national guidance is published.
- 3.6 It is recommended that in order to inform a decision on whether or not to amend the frequency of DVLA checks, a review the number of cases of non-disclosure of endorsements be carried out. Depending upon the outcome, i.e. if a change to the policy can be justified and is proportionate, then it could be considered at the same time as the changes proposed as part of new legislation, subject to relevant consultation.

4.0 Resource Considerations

- 4.1 **Financial:** Whilst it might be free to check licences through the 'share my licence' service on the DVLA website, it does not take into consideration the cost of officer time taken to carry out these checks. A straightforward licence check can take around 20 minutes to complete which would mean a minimum of 456 officer hours for the current number of drivers licenced in Walsall. However, the process requires drivers to log onto the DVLA website and request a one-time access code which they then need to forward to the licensing authority to carry out that check. It is inevitable that there will be a need for officers to chase this which adds to the time taken to process the check. In addition, once the check has been complete, the officer will have to assess whether the matter would need to be referred to the Community Protection team, the Head of Community Safety & Enforcement or the Taxi Licensing Sub-Committee for decision (refuse to renew, suspension or revocation). This would have an impact on the licence fees as they would need to take into consideration the additional administrative duties.
- 4.2 **Legal:** The Council can exercise its functions by way of committees or officers. When exercising delegated authority, in addition to any policies the Council may have, both committees and officers are bound by natural justice, human rights, the legal framework, and relevant and statutory guidance. Changes to licensing policy and processes need to be justifiable and proportionate. The Local Government (Miscellaneous Provisions) Act 1976 allows the Council as Licensing Authority to set its own local policy, and this can include the time period for DVLA checks. Any such changes to the policy will require formal consultation.

5.0 Staffing issues:

There would be significant implications for staff time to undertake six monthly checks on all licensed drivers as set out in 4.1 above.

6.0 Citizen Impact

None

7.0 Community Safety

The Licensing Authority works closely with safeguarding partnership to ensure public safety is paramount and where anything is brought to the attention of the licensing authority, we will look to investigate on the matter and follow protocols.

8.0 Environmental Impact

None

9.1 Performance and Risk Management Issues

Decisions by the committee must be compliant with all relevant legislation and ensure fairness in its processes otherwise there would be a risk of legal challenge or judicial review.

10.0 Equality Implications

Nothing arising from this report.

11.0 Consultation

None required.

12.0 Contact Officer

11.1 Muhammed Sayful Alom
Licensing Team Leader
Telephone: 01922 652742
Email: sayful.alom@walsall.gov.uk