

## **Item 6 – DVLA checks**

We currently undertake between 150 and 200 checks of driving licences per year. Although DVLA offer a bulk, electronic service, use of this is only financially viable for larger authorities.

There are currently 25 checks outstanding, the oldest of which were sent to DVLA more than 6 weeks ago. In cases where licences have not previously been held, or where licences have been allowed to expire, the length of time for a response has the effect of preventing the applicant from working, as we require all checks to be complete prior to considering the issue of a licence.

If the proposal to change to a commercial provider is adopted, then a Service Level Agreement would need to be agreed between the Council and the provider, specifying the expected response times.

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## **Item 7 – Ranks**

An amendment to paragraph 3.2 of the report, in that the proposed stand in the Old Town will extend for approximately 30 metres, rather than 45, and will accommodate 6 vehicles.

In the case of Waterhouse Street, a traffic regulation order was passed in August, prohibiting other vehicles from stopping or waiting at the site of the proposed stand. A draft traffic regulation order for the Old Town redevelopment is currently out to consultation.

## **Item 8 – Enforcement policy**

For the most part, the proposed amendments to the enforcement policy are semantic, or to reflect updated current practices. Section 2.3 of the report sets out some more significant proposed changes, in particular for the making of representations and review applications on behalf of the licensing authority in respect of alcohol, entertainment and gambling licences.

In respect of taxi licensing, a recent Administrative Court decision in the case of R (app Singh) v Cardiff City Council has ruled that the use of the power of suspension of a taxi licence pending further investigation is unlawful, with Justice Singh making clear that suspension is to be used as a final resolution of a matter only, also confirming the suspension as a punishment is permissible. This has prompted a re-examination of the method by which investigations have been carried out. The proposal now, following the most serious allegations against a driver, is for

a new delegated power of immediate revocation, where such a measure is deemed necessary in the interests of public safety. Such power would be exercised by the licensing team leader or a senior officer, in consultation with the chair or vice-chair of the committee, after consideration of any written or verbal representations made by the licence-holder in respect of the allegation. Para 2.36 of the amended policy outlines a procedure for the effective restoration of the licence should the holder be cleared of the allegation or charges.

This report is being presented on a pre-consultation basis, and any responses or feedback will be reported to the Committee in February.

### **Item 9 - Fees**

The fees have been proposed on the basis of the costs incurred in processing and determining applications, and where appropriate a proportion of the costs of developing policies, maintaining registers, and so forth. Cost recovery, in so far as is legally permitted, has been the key basis for the review of these fees.

However, as paragraph 1.6 sets out, a number of costs have had to be estimated as a result of current and ongoing reviews of structures, procedures and suppliers. It is intended that costs and fees will be reviewed on an annual basis henceforth, to ensure that the fees charged by the council remain appropriate.

There has been some discussion with the legal department as to the legality of some of the fees, in particular the proposal for a charge to call in an officer refusal of an exemption from standard conditions, and this will be examined more closely during the consultation period.

This report is being presented on a pre-consultation basis, and any responses or feedback will be reported to the Committee in February.