

REPORT TO: LICENSING COMMITTEE

Date of Hearing: 23 SEPTEMBER 2014

Report of: Assistant Director Environment

Type of Application: Report outlining a proposal to modify the policy requirement for drivers who obtain convictions relating to poor driving standards

Legislation: **Local Government (Miscellaneous Provisions) Act 1976**
Town Police Clauses Act 1847

Ward Application Refers to: Not Applicable

Applicant: Not applicable.

Premises Address: Not Applicable

1. What is the report about?

- 1.1 To seek approval from the Licensing Committee in relation to a proposal to require licensed drivers in appropriate circumstances, to take an enhanced driving test with specialist driving trainers identified in the attached documents as Devon Travel Academy rather than the Driving Standards Agency (DSA).
- 1.2 The current policy requires that any driver who attains 6 penalty points in a year or 9 penalty points over three years undertakes and passes a driving test. While this acts as a deterrent to drivers it does not add significantly to Public safety and does little to help the driver address poor driving habits and standards that led to the convictions in the first place.
- 1.3 The availability of this option as opposed to the usual pass or fail with no feed- back came to light when a licensed driver lost his licence and sought to get his licence back to support his family as soon as possible.
- 1.4 The document attached is the report received by the Licensing Office prior to the applicant being referred to a Licensing Sub Committee and it appeared clear that a) driving faults had been quickly identified; his driving abilities were discussed and faults rectified.

2. Are there any representations?

- 2.1 There is no provision in the legislation for anyone to submit representations relating to this kind of application.

3. Report details:

- 3.1 A small but significant number of drivers come to the attention of the Licensing Authority after being convicted of driving offences across the full range of poor driving standards. The proposal, if accepted, would mean the licensed drivers would receive specific instruction on their driving standards; the likely effects of their failure to address the poor driving standard and advice on how best to raise their driving ability to become exemplars of good driving standards.

- 3.2 The current policy requirement for drivers holding licenses, who find themselves convicted in the circumstances described at 1.2, is that they take and pass a driving test with the DSA. This has proved useful but does not provide for any interaction with the driver as to how to drive safely or enhance the safety of the Public. It is either pass and continue to drive or fail and cease driving until a pass is achieved.
- 3.3 The average driving test lasts approximately 40-45 minutes and costs £79-66 plus VAT during a normal working day For drivers seeking to take a test outside of normal hours this cost rises to £96-00 plus VAT.
- 3.4 A discussion with the potential provider of the enhanced driving instruction indicates that the average driver would need a minimum of 2 hours and on that basis would cost £99-00(current fees).
- 3.5 A considerably longer course lasting some 4.5 hours is available for learners seeking to pass the DSA driving test but it is not felt necessary to adopt this procedure as the current enhanced DSA test is suitable as a bench mark for new drivers. Of course if any new driver wanted to avail themselves of this option, they could do so voluntarily.
- 3.5 An outline of the service available to the Licensing Authority is attached for information.
- 3.6 The service providers will be in attendance at the meeting to answer any questions that may arise.

4. What are the legal aspects?

- 4.1 The Licensing Authority has a statutory duty to ensure all licence holders are fit and proper and in this context able to drive to a standard which does not compromise Public safety. Using this form of enhanced driving test is considered to be an acceptable means of achieving the legitimate aims of ensuring that those whose driving standards have diminished are brought back to an acceptable standard.
- 4.2 No resource implications arise from this proposal as the cost of undertaking the enhanced test will remain with the driver involved as is currently the case.
- 4.3 There is nothing in this proposal that affects the remainder of the extant policy and all new applicants for driving licences will continue to be required to take the DSA driving test at the time of application.

5. Recommendations:

- 5.1 The Licensing Committee are asked to determine the proposal which seeks to raise the investigative elements of poor driving standards.

Environmental Health and Licensing Manager

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None