

CARLISLE CITY COUNCIL

Report to:- **THE CHAIRMAN AND MEMBERS OF THE REGULATORY PANEL**

Date of Meeting:- 1st April 2009

Agenda Item No:-

Public

Operational

Delegated Yes

Accompanying Comments and Statements

Required

Included

Cumbria Fire Service

No

No

Cumbria Constabulary

No

No

Environmental Services

No

No

Title:-

DRIVING LICENCE VERIFICATION SCHEME

Report of:-

DIRECTOR OF LEGAL & DEMOCRATIC SERVICES

Report reference:-

LDS 33/09

Summary:-

A District Council shall not grant a licence to drive a hackney carriage or private hire vehicle unless they are satisfied that the applicant is a 'fit and proper' person to hold a driver's licence.

It is proposed to implement a scheme whereby driving licences of new and existing driver's, are checked against the Driver and Vehicle Licensing Agency (DVLA) database.

The requirement for applicant's to undertake a DVLA licence records check would ensure that the driving licence produced is valid, legal and all convictions have been disclosed.

Recommendation:-

To consider the information in this report and reach a decision from the options available.

J A Messenger
Licensing Manager

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:- Local Government (Miscellaneous Provisions) Act 1976 and Information from Intelligent Data Systems.

To the Chairman & Members of the Regulatory Panel on 1st April 2009

1. Purpose of Report

1.1 To introduce a scheme to require all new and existing licensed hackney carriage and private hire drivers, to sign a disclosure mandate in order to allow the Licensing Section to carry out a check of their driving record with the Driver and Vehicle Licensing Agency.

2. Summary

2.1 Over the last eight years this Authority has brought in additional requirements for Hackney and Private Hire drivers to ensure the safety of the public. These measures are designed to ensure that licensed driver's are 'fit and proper' and include medical and Criminal Records Bureau checks every three years, Driving Standards Agency 'Taxi Test' and local knowledge tests. An area that we have not explored in detail is the DVLA driving licence produced by an applicant.

2.2 Under the present requirements, when a new application is received for a Hackney or Private Hire driving licence, the applicant must produce a current DVLA licence. Similarly, when an existing driver makes application to renew his licence, or notifies us of a conviction, he must again produce his DVLA driving licence. Whilst it is reasonable to assume that most licences produced are legitimate, it is possible with modern technology to produce good copies that could hide anomalies e.g. convictions, disqualifications. In addition there is no check made to ensure that the licence produced is the current issue, with all relevant endorsements attached.

2.3 It is the duty of a Licensing Authority to satisfy itself that all applicants for Hackney and Private Hire driving licences are 'fit and proper'.

3. Proposal

3.1 Upon receiving an application for a Hackney or Private Hire driving licence, the applicant would be asked to sign a disclosure mandate which would authorise DVLA to disclose the previous driving licence history of the applicant. The details obtained through the mandate would primarily be used for checking convictions and ensuring the current licence is valid. It is proposed that this check be completed every three years which would fall in line with similar checks i.e. CRB and medicals.

3.2 The proposed criteria would be carried out in conjunction with a company called Intelligent Data Systems (IDS), who have access to the DVLA database through their Datacheck system. This is an electronic licence verification system that enables IDS to check a driver's licence directly with the DVLA database, with all recorded information delivered to us in a secure, central user web interface.

4. Further Information

4.1 The requirement to make this check mandatory would form part of the application/renewal 'fit and proper' person test and is to avoid the situation where a driver,

who may have something to hide, refuses to sign the mandate. If this were the case, they would be asked to appear before the Regulatory Panel to give reasons for the refusal and the Panel would determine the application.

4.2 Currently DVLA would charge £5 for a similar check, payable in advance by depositing a lump sum with them. The resultant check gives current information on the status of the licence, but the history is not easy to understand and in many cases is undated. Applications must be posted and a hard copy reply received about a week later **(Appendix 1)**.

4.3 Checks through IDS would cost £7.25, results usually available within 48 hours and are in an easily understood format. They clearly show driver details, licence details, endorsements and licence groups. The application is made and information retrievable through a secure database **(Appendix 2)**.

4.4 A representative from IDS was asked to attend today to give a short presentation to the Panel on the procedure. Unfortunately they were already booked at two other Council's for similar presentations. They have forwarded an information and statistical sheet regarding the scheme which is attached **(Appendix 3)**.

4.5 Both Taxi Associations have been contacted regarding the proposal. Unfortunately due to time constraints they have been unable to consider the proposal at a full meeting of their members. Both Secretaries have however replied giving their full support to the proposal.

5. Financial Implications

5.1 The procedure would be self financing as part of the application fee for all new applicant's.

5.2 A bid has been submitted to Financial Services to carry forward £2,500 from the licensing underspend in the 2008/09 licensing budget, to finance the initial checks of current drivers.

5.3 In order to limit the bureaucracy of requiring drivers to pay £7.25 every three years, it is proposed that £2.50 be collected each year with the renewal fee and that this charge be incorporated into the renewal fee at the next charging review.

6. Legislation

Local Government (Miscellaneous Provisions) Act 1976

Section 57

- (1) A District Council may require any applicant for a licence under the Town Police Clauses Act 1847 or LG(MP) Act 1976 to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted.

Section 51

- (1) Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:
Provided that a district council shall not grant a licence-
- (a) Unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence

Section 59

- (1) Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage-
- (a) Unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence

7. OPTIONS

It is recommended that after considering the information, members reach a decision in line with the options available.

7.1 The signing of a DVLA disclosure mandate will be a requirement for all new applicants and existing holders of a Hackney Carriage or Private Hire driving licence.

7.3 The proportionate fee of £2.50 will initially be recoverable from new applicants at the time of application and upon renewal by all drivers. This fee to be incorporated into the annual fee at the next charging review.

7.4 The Licensing Manager to make a bid for the initial fee for existing driver's to be paid from the 2008/09 licensing underspend to enable a check to be made en block.

7.5 Do not impose the driving licence verification scheme and rely upon ad hoc checks as present.

Prepared by

J A Messenger
Licensing Manager

APPENDIX 1



Driver and Vehicle Licensing Agency
Data Unit, 100, 101, 102
100
Swansea
SA2 8JL
Mailing Address: PO Box 100
Swansea
Minicom code
01792 766366

SHEET 01 FOR DRIVER NUMBER:
NAME AND ADDRESS

CURRENT IMAGE

PREVIOUS IMAGE

OUR RECORDS SHOW THE DATA SUBJECT IS THE HOLDER OF A FULL LICENCE
THE NUMBER OF THE LAST LICENCE ISSUED IS 85 A
PLACE OF BIRTH ENGLAND
LAST LICENCE ISSUED

CARD ISSUE DATE 22 12 2007
CARD EXPIRY DATE 11 02 2013
PHOTO EXPIRY DATE 11 02 2013

CATEGORIES	DATE FIRST ISSUED	EXPIRY DATE	INFORMATION CODES
FULL B	< 16 08 1976	09 08 2025	1
FULL BE	< 16 08 1976	09 08 2025	1
FULL C1	< 16 08 1976	09 08 2025	1
FULL C1E	< 16 08 1976	09 08 2025	1 107
FULL D1	< 16 08 1976	09 08 2025	1 101
FULL D1E	< 16 08 1976	09 08 2025	1 101 119
FULL FKLNP	<16 08 1976	09 08 2025	1
PROV A	16 08 1976	09 08 2025	1
PROV GH	16 08 1976	09 08 2025	1



UNION JACK

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Driver and Vehicle Licensing Agency
Department for Transport
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Science
Crest
Vehicle and Driver Licensing
Minicom only
01792 766506

SHEET 02 FOR DRIVER NUMBER:
PREVIOUS LICENCE

ENTITLEMENT FULL
DATE OF COMMENCEMENT 16 06 1994
DATE OF EXPIRY 09 08 2025
CATEGORIES PASSED PB
EXPLANATION OF INFORMATION CODES

- I SIGHT CORRECTION
 - 101 NOT FOR HIRE OR REWARD
 - 107 NOT MORE THAN 8250KG
 - 119 WEIGHT LIMIT DOES NOT APPLY
- GLASSES/CONTACT LENSES USED
DOCUMENT TRAIL DETAILS

DOCUMENT NUMBER	TYPE OF DOCUMENT
762291540989	CONVERSION
781520531035	REPLACEMENT
811960210576	REPLACEMENT
872091701310	DUPLICATE (PREVIOUS LICENCE REPORTED LOST/STOLEN)
892262250604	REPLACEMENT
910851874440	REPLACEMENT
941451570135	DUPLICATE (PREVIOUS LICENCE REPORTED LOST/STOLEN)
941661421700	FIRST APPLICATION
950371923602	DUPLICATE (PREVIOUS LICENCE REPORTED LOST/STOLEN)
971941321443	DUPLICATE (PREVIOUS LICENCE REPORTED LOST/STOLEN)
983080605436	COURT NOTIFICATION
030422221352	DUPLICATE (PREVIOUS LICENCE REPORTED LOST/STOLEN)
040211001929	DUPLICATE (PREVIOUS LICENCE REPORTED LOST/STOLEN)
042581873506	DUPLICATE (PREVIOUS LICENCE REPORTED LOST/STOLEN)
042660630067	COURT NOTIFICATION
050340630592	COURT NOTIFICATION
061931621773	DUPLICATE (PREVIOUS LICENCE REPORTED LOST/STOLEN)
062050625948	COURT NOTIFICATION
073041872471	REPLACEMENT
073551870685	REPLACEMENT
080180638328	COURT NOTIFICATION
080500623309	COURT NOTIFICATION
081311152379	FEE PAYING ENQUIRY

PHOTOCARD BARCODES

- 1). 3176740459 2). 3069140703 3). 2094743201 4). 1198643153 5). 1063943290



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Driver and Vehicle Licensing Agency
DVA Subject to Part 10
DVA
Suzanna
SAC 711
Website: www.dvla.gov.uk
Minicom only:
01792 766306

SHEET 03 FOR DRIVER NUMBER:
ENDORSEMENT DETAILS

CONVICTING COURT CODE	DATE OF CONVICTION	OFFENCE CODE	DATE OF OFFENCE	FINE £.P.	POINTS	ALCOHOL LEVEL	DISQUALIFIED PERIOD	OTHER SENTENCE
1445	FIXED PENALTY	SP30	27 07 04	0.00	05			
1775	FIXED PENALTY	SP30	11 12 04	0.00	03			
1775	FIXED PENALTY	SP50	06 06 06	0.00	03			
1782	24 10 07	SP30	11 05 07	270.00	03			
				SENTENCING COURT CODE 1782 SENTENCED 14 01 08				
1775	FIXED PENALTY	SP30	14 01 08	0.00	03			

END OF RECORD



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7

APPENDIX 2

intelligent data systems

Home	Services	Contact	About	Log In
Menu	Account	Fleet2	All Reports	Log Out

Showing IDS-DEMOCO (Choose Sub-Division)
 Also showing subjects not assigned to any Organisational Unit.

Demonstration Company

Mrs Laura Newton

Account	
Account No	IDS-DEMOCO
Account Name	Demonstration Company
Data Subject	
Data Subject No	D0202A
Data Subject Name	Newton, Mrs Laura
Customer Ref	60288
Organisational Unit	Service Co
Date Of Birth	1953-08-18
Licence Number	NEWT0558683L99QQ
Licence Issuer	
Address	
Street	31 Church Road
Town	Fairfax
Postcode	FX1 2YG
Other Information	
Email Address	Laura.Newton@democo.example.com

Status: Needs Attention	
Licence Number: No Licence Number,	
Email Us About This Driver	

Last Check	
Response Date	2007-08-15
Check Type	DEMO (Other types of check)
Licence	
Licence Type	F Full
Previously Disqualified Until	2006-11-05
Expiry Date	2023-08-17
Points	0
Endorsements	1
Points in last 3 years	0
Next Check	
Due Date	2008-08-15
Check Reason	Policy: 12 mths for all drivers

2a

Comment	Default Backstop
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Print Mandate for this Driver

Documents

Document Type	Serial Number	Received Date	Entered Date
DP20/FAKE Data Protection Mandate (Other)	SCAFA0DZ	2007-08-14	2007-08-14

Licence Details

Check Details	
Response Date	2007-08-15
Check Type	DEMO (Other types of check)
Check Reason	Demo Data
Number Checked	NEWTO558683L99QQ
Result	
Check Result	Successful
Driver Number	NEWTO558683L99QQ
Issue Number	47
Driver Details	
Driver Name	NEWTON, LAURA
Date Of Birth	1953-08-18
Licence	
Licence Type	F Full
Previously Disqualified Until	2006-11-05
Expiry Date	2023-08-17

Licence Summary		
1. NEWTON		
2. LAURA		
3. 1953-08-18		
4a.	4b. 2023-08-17	4c.
5. NEWTO558683L99QQ 47		
8.		
9. B,BE,C1,C1E,D1,D1E,f,k,l,n,p		

Endorsements

Offence Code	Date of conviction	Date of offence	Points	Offence Description
SP50		2007-10-03	3	Speed Limits Typically 3-6 points. Remains on licence for 4 years from Conviction Exceeding speed limit on a motorway
SP30		2007-04-20	3	Speed Limits Typically 3-6 points. Remains on licence for 4 years from Conviction Exceeding statutory speed limit on a public road
SP30		2006-04-14	3	Speed Limits Typically 3-6 points. Remains on licence for 4 years from Conviction Exceeding statutory speed limit on a public road
SP50		2004-05-06	3	Speed Limits Typically 3-6 points. Remains on licence for 4 years from Conviction Exceeding speed limit on a motorway

9

26

Code	From Date	To Date	Entitlement/Restrictions	Description
B	1972-08-22	2023-08-17	Full	<p>Cars, motor vehicles under 3500Kg and 8 seats. From age 17. Motor vehicles with a MAM not exceeding 3500kg having not more than 8 passenger seats with a trailer up to 750kg. Combinations of towing vehicles in category B and a trailer, where the MAM of the combination does not exceed 3500kg and the MAM of the trailer does not exceed the unladen mass of the towing vehicle. Age 16 if you are currently getting Disability Living Allowance at the higher rate (mobility component).</p> <p>Please note: If the test was passed prior to 01-01-1997, the driver may also be entitled to drive additional categories of vehicles, including lorries between 3500kg and 7500kg with a trailer, total not exceeding 8250kg, as well as mowers, tractors etc. If the driver needs to drive a vehicle not shown here, please contact us for advice.</p>
B+E	1972-08-22	2023-08-17	Full	<p>Cars with trailers From age 17. Combinations of vehicles consisting of a vehicle in category B and a trailer, where the combination does not come within category B..</p>
C1	1972-08-22	2023-08-17	Full	<p>Medium Sized Vehicles From age 18. Lorries between 3500kg and 7500kg with a trailer up to 750kg.. Age 18 if combination weight is under 7500kg.</p>
C1+E	1972-08-22	2023-08-17	Full 107: Not more than 8250kg	<p>Medium Sized Vehicles with Trailers From age 21. Lorries between 3500kg and 7500kg with a trailer over 750kg - total weight not more than 12000kg (if you passed your category B test prior to 1.1.1997 you will be restricted to a total weight not more than 8250kg). If passed before 1997, total weight must be under 8250kg. Age 18 if combination weight is under 7500kg.</p>
D1	1972-08-22	2023-08-17	Full 101: Not for hire or reward	<p>Minibuses From age 21. Vehicles with between 9 and 16 passenger seats with a trailer up to 750kg. Age 17 if member of armed forces. Age 18 if learning, not carrying passengers, or under PSV licence.</p>
D1+E	1972-08-22	2023-08-17	Full 101: Not for hire or reward 119: Weight limit does not apply	<p>Minibuses with trailers From age 21. Combinations of vehicles where the towing vehicle is in subcategory D1 and its trailer has a MAM of over 750kg, provided that the MAM of the combination thus formed does not exceed 12000kg, and the MAM of the trailer does not exceed the unladen mass of the towing vehicle.. Age 17 if member of armed forces. Age 18 if learning, not carrying passengers, or under PSV licence.</p>
A	1970-08-18	2023-08-17	Provisional	<p>Motorcycles From age 17. Motorcycles up to 25kW(33bhp) and a power to weight ratio not exceeding 0.16kW / kg. Motorcycle combination with a power to weight ratio not exceeding 0.16kW / kg. At age 21 and 2 years after passing the Standard A test any size of motorcycle may be ridden with or</p>

DataCheck Electronic Driving Licence Checking

Why?

- Council have a duty of care to ensure drivers provided with a hackney/private hire licence hold a valid driving licence (particularly as they are carrying fee paying members of the public)
- Possibility of prosecution under Corporate Manslaughter and Homicide Act; Health & Safety (Offences) 2008 Act where it can be proven that responsibilities have been neglected. Licence checking is the most basic check; but carries huge implications if a driver involved in an accident resulting in a serious or fatal injury is later found to have an invalid licence.
- Protection of Council brand and reputation
- Checking paper licences cannot be relied upon to provide an ACCURATE representation; it could be a duplicate of a once-clean licence or possibly disqualified, revoked or expired (neither of which would be identified by checking a paper licence).
- The statistics for taxi drivers are considerably worse than those in the corporate fleet sector.

Facts & Statistics

- IDS provide licence checking services for 20 Councils with a further 14 either currently or awaiting implementation
- Licences checked to date: 3,545
- Main measurements are: previous bans, 10+ points, 7-9 points, problem licences (disqualified, revoked or expired)

Licences Checked	Previous Ban	10+Points	7-9 Points	Problem Licence
3,545	122	28	97	111
Ratio's	1:29	1:126	1:36	1:32

Benefits

- Robust, proven process delivering driving licence information direct from DVLA records
- Saves time and administration – once driver signs mandate, process managed by IDS
- Data Protection Mandate valid for 3 years
- Quick – results normally available within 72 hours maximum
- Provides a fully auditable process for diligence & compliance
- Same day notification of “Problem” Drivers + automated emails to Council licensing staff
- All licensing staff can be provided with system access if required
- All driver licence information in one place
- Identifies expiring licences – photocard licences are only valid for 10 years. First issued started expiring 2008
- Management reports available; i.e. of all drivers checked how many have 10+ points, 7-9, due to expire etc
- Value: £7.25 + VAT per check
- No set up charges. Web based: no Council IT requirements