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**Subject:** LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION FOR A DRIVER'S LICENCE

**Meeting and Date:** Regulatory Committee – 15 March 2013

**Report of:** John Newcombe, Licensing Team Leader

**Classification:** Unrestricted

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**Purpose of the report:** To consider the Introduction of a DVLA check for Licensed Drivers

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**Recommendation:** That the Committee consider the introduction of a DVLA check for licensed drivers.

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## **1. Summary**

1.1 The purpose of this report is to propose an amendment to the existing fees and charges when drivers are applying for or renewing their hackney carriage or private hire driver licences and this relates to a new check with the DVLA.

## **2 Introduction and Background**

2.1 At present the Council's policy requires sight of the applicants' DVLA driver licence and counterpart and this is taken at face value and no other checks are made with DVLA unless the Licensing Officer has cause for concern and therefore makes further enquiries.

2.2 An on-line web based system has now been made available to electronically check all drivers' details. This is provided via 'Data Check', a system by Intelligent Data Systems (IDS). The IDS system will provide guaranteed up-to-date information.

2.3 Unfortunately, not all applicants submit their paper licences to DVLA for endorsing which then leaves the information on the licence out of date. The IDS system gives search results within 48 hours and therefore should not delay the licensing process.

2.4 The regulation of hackney carriage and private hire drivers is a statutory function of the Council under the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

2.5 Sections 51 and 59 of Part II of the Local Government (Miscellaneous Provisions) Act 1976 require that the holder of any such licence is a "fit and proper person" and a licence shall not be issued unless the authority is satisfied that this prerequisite is fulfilled.

2.6 As part of the application process for the grant or renewal of a driver's licence, applicants are required to submit their DVLA driver's licence for inspection. However, historically, no checks have been made to verify with the DVLA as to the accuracy of the information presented to the Licensing Authority DVLA unless the Licensing Officer has cause for concern and therefore makes further enquiries.

2.8 Unfortunately, not all applicants submit their paper licenses to DVLA for endorsing which leaves the information on the licence out of date, or they may hold multiple licences. The IDS system gives search results within 48 hours and therefore should not delay the licensing process.

- 2.9 It is proposed that drivers should bear the cost of the check which will be £5.75 per check. No additional costs would be incurred by the Council.
- 2.10 Once the applicant /licensee has signed the mandate, the Licensing section will have authorised access to that individual's records for 3 years.
- 2.11 As is the case with CRB checks, new applicants will not be granted a licence until a DVLA check is received by the Council. The turn round time for completing a DVLA check is within 48 hours. Renewal applications from existing licence holders will not be delayed in any way since the check will be carried out automatically before their existing licence expires.
- 2.12 This system will also potentially benefit the drivers as they will no longer be required to attend the Council offices to present their DVLA Driving Licence when renewing their hackney carriage/private hire driver licence which will cut down on the travelling time and distance travelled by the driver.
- 2.13 Should a driver/applicant refuse to sign the mandate and the appropriate check cannot be carried out the Council would have to refuse to grant a licence until the check can be completed. This would be because we would not be able to be satisfied that they are a "fit and proper person."
- 2.10 A series of frequently asked questions has been provided to applicants to accompany the mandate. (**Appendix A**).

### **3. Identification of Options**

- 3.1 The Committee is asked to consider this proposal and decide:
- (a) Whether to approve the new proposed check with the DVLA via IDS
  - (b) Whether to approve imposing the additional fee for this check on all drivers (recommended);
  - (b) To reject the additional fee and/or the new DVLA licence check.

### **4. Evaluation of options**

- 4.1 To evaluate these options
- (a) These new types of checks on DVLA driver licences are considered a valuable improvement in assessing an applicant's suitability as a fit and proper person to hold a driver's licence in the Dover District.
  - (b) To continue relying on having sight of the paper part of a DVLA driver licence as a true and accurate reflection of the applicant's actual driver licence would carry more of a risk and is therefore not recommended.

### **5. Resource Implications**

None.

**6. Appendices**

Appendix A – FAQ's for applicants

**7. Background Documents**

Hackney Carriage & Private Hire Licensing Policy 2013-2016

Local Government (Miscellaneous Provisions) Act 1976

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