

**INTRODUCTION OF DRIVER AND VEHICLE LICENSING AGENCY LICENCE CHECK
FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

Agenda Item ..

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Background Papers:-	<ol style="list-style-type: none">1. DVLA Letter2. Driver entitlement consent form
Financial Implications:-	<p>For the Council to obtain DVLA driver licence records the Council is required to register with the DVLA and set up a pre-funded account of £50.00. Each record application will cost £5.00 which will be deducted from account. The Council will be required to deposit further funds to ensure that the account is in credit.</p> <p>The cost of the application will be paid by the applicant for a private hire, hackney carriage or private hire and hackney carriage drivers licence consequently there will be an additional £5.00 cost to each applicant for a private hire, hackney carriage or private hire and hackney carriage drivers licence. The initial cost of setting up the pre-load account will be recovered from the first ten applications.</p>
Equalities Implications:-	NONE
Legal Implications:-	Under the Local Government (Miscellaneous Provisions) Act 1976 the Council is required to determine an application, taking into account the suitability of the applicant to hold the licence applied for.
Options:	<ol style="list-style-type: none">1. The Committee agree to the introduction of the DVLA driver and vehicle licence check.2. The Committee refuse the introduction of the DVLA driver and vehicle licence check.
Risks:	In determining each application, regard should be had to whether the applicant poses a risk to the safety of the public.

EXECUTIVE SUMMARY

To consider the introduction of a DVLA Driver's licence record check for all new drivers and on renewal for existing licensed drivers.

DECISION

That the Licenising Committee approves the introduction of the DVLA driver's licence record check for all new applications with immediate effect and for drivers applying to renew their licence from April 2009.

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1. Background

1. Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require Local Authorities to ensure that hackney carriage and private hire drivers are fit and proper persons to be licensed. This responsibility includes ensuring that drivers have a valid driving licence.
2. Currently new applicants and drivers applying for the renewal of their licence are required to produce their current DVLA driving licence for inspection and no further checks are made, except in circumstances where the officers have cause for concern. This practice could allow drivers to conceal driving offences; if on conviction or endorsement, a driver claims they have lost their licence, and obtain a replacement licence which is then endorsed, they could conceal the endorsement by producing the old licence to the Council.
3. In accordance with the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 for the purpose of Private Hire Vehicle Drivers Licence applications, all previous convictions including spent convictions are "live" and can be taken into account by the Council when considering an application.
4. Many other local authorities now carry out the DLVA check on all new applicants and existing drivers by obtaining copies of the DLVA driver records. The DVLA driver records contain information relating to the driver since they were authorised to drive, including any applications for replacement licenses, endorsements and revocations.

One authority reports that in checking 210 licensed drivers they found 2 whose licences had been revoked for failing to send them off to have endorsements added, and 1 had been submitting a false licence for 5 years. Nationally it is believed that 1 in 310 drivers will have a revoked or expired licence and 1 in 650 may be banned from driving.
5. There is a cost to the check of £5; this is to obtain the DVLA driver records. This involves a minimal amount of officer time to administer if carried out at the same time as the CRB check.
6. The Council will be required to set up a pre-funded account to register with the DVLA and send a cheque for a minimum of £50.00, this will be deposited and will cover the first ten enquires. Once the account has been opened we will be required to deposit further funds to cover the cost of enquires and the cost of the enquiry will be reimbursed by the applicant, therefore there will be an additional £5.00 cost to each applicant making an application for a private hire, hackney carriage drivers licence.
7. These checks will be made on the applicant's initial application for a private hire, hackney carriage drivers licence and they will be required to make a further application each year on the anniversary of the private hire and hackney carriage driver's licence.

8. It is a condition of the licence that drivers notify the Council of any convictions they may obtain during the course of their licence. This includes convictions for driving offences, however the Council rarely receives notification of such convictions.
9. It would be a suggestion that if the applicant is not willing to complete the driving entitlement consent form, that the application be rejected until such time as they are willing to do so.