

Mission Statement

To Improve the Quality of Life
For Those Who Live and Work in The District

17 October 2008

Dear Councillor

You are hereby invited to a meeting of the **Licensing Committee** to be held in **Committee Room 2**, Civic Centre, Portholme Road, Selby on **Monday 27 October 2008** commencing at **10:00 am**.

The agenda is set out below.

1. Apologies for Absence and Notice of Substitution

To receive apologies for absence and notification of substitution.

2. Disclosure of Interest

To receive any disclosures of interest in matters to be considered at the meeting in accordance with the provisions of Section 117 of the Local Government Act 1972, and Sections 50, 52 and 81 of the Local Government Act 2000 and the Members' Code of Conduct adopted by the Council.

3. Minutes

To confirm as a correct record the minutes of the proceedings of the meeting of the Licensing Committee held on 29 September 2008 (previously circulated).

4. Chair's Address to the Licensing Committee

5. Introduction of DVLA Checks

Report of the Head of Service – Legal and Democratic Services
(pages 4 to 10 attached).

M Connor
Chief Executive
17 October 2008

Disclosure of Interest – Guidance Notes:

- (a) Councillors are reminded of the need to consider whether they have any personal or prejudicial interests to declare on any item on this agenda, and, if so, of the need to explain the reason(s) why they have any personal or prejudicial interests when making a declaration.
- (b) The Democratic Services Officer or relevant Committee Administrator will be pleased to advise you on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

[Please note that the papers relating to the applications have been circulated to councillors of the Licensing Committee only, who should return the agenda to Democratic Services at the conclusion of the meeting to enable the papers to be destroyed confidentially].

Dates of Future Meetings of the Licensing Committee

Date of Meeting	Deadline Date	Distribution Date
24 November 2008	6 November 2008	14 November 2008
15 December 2008	27 November 2008	5 December 2008

**Membership of the Licensing Committee
10 Members**

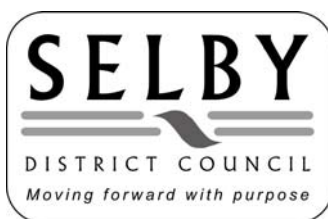
Conservative	Labour	Independent
J Dyson	D Davies	J McCartney
K McSherry	S Duckett	
C Pearson (Vice-Chair)		
S Ryder		
R Sayner (Chair)		
A Spetch		
D White		

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Public Session

Agenda Item No: 5

Title: Introduction of DVLA checks
To: Licensing Committee
Date: 27 October 2008
Service Area: Legal and Democratic Services
Author: Tim Grogan
Presented by: Tim Grogan

1. Purpose of Report

- 1.1 To ensure that the District Council are in receipt of the latest and most complete driving licence history in relation to those applying for the grant or renewal of a Hackney Carriage and Private Hire driver's licences.

2. Recommendation(s)

- 2.1 **(i) That councillors approve the introduction of a check of all driver's licences, with effect from 1st October 2008.**
- (ii) That the cost of the check be added to the yearly licence fee.**

3. Executive Summary

- 3.1 All applicants for Hackney Carriage and Private Hire Driver's licences are required to undergo a Criminal Record Bureau (CRB) check, which provides a disclosure of any criminal history. However, CRB checks do not include either penalty points or traffic related convictions and the only means available to the Council to confirm this detail is through a check with the Driver and Vehicle Licensing Agency (DVLA).
- 3.2 The safety of the travelling public is paramount when considering such applications and therefore the Licensing Section consider that it is important

to check applicants prior to the issue of a particular licence. The system suggested will enable the Council to check not only new applicants but those individuals renewing their licences to prevent passengers being out at risk.

4. The Report

- 4.1 As a member of the Institute of Licensing the Licensing Enforcement Officer was invited to a conference which included a presentation by Intelligent Data Systems (UK) Limited (IDS). This organisation is a privately owned company specialising in the management of data for the fleet industry. They are a registered Data Controller within the Data Protection Act and provide their services to Council Licensing Authorities, companies involved with vehicle fleets and leasing vehicles, insurance companies and companies involved with risk management.
- 4.2 Statistics from IDS show that 3 in every 100 drivers checked will have received a previous ban, 1 in 350 drivers will have a revoked or expired licence and 1 in 600 drivers will currently be banned. Statistics also show that not only do almost 30% of all drivers covering business mileage have points on their licences but also 65% of all corporately driven vehicles are involved in an accident every 12 months.
- 4.3 To address these issues the Licensing Section recommend an initiative which involves IDS proactively verifying all individual licences of both new applicants and those drivers renewing their licences. The system is innovative and delivered in a web based format thus ensuring the service is quick and efficient. As a consequence there is no increase to the administrative duties of the Licensing Department.
- 4.4 IDS also report that instances have recently revealed that some drivers licensed by certain Local Authorities are in possession of multiple DVLA driver licences. In the situation it is therefore possible that a driver could produce a 'clean' driving licence in order to obtain a badge thereby concealing their most recently issued licence which may reveal motoring convictions.
- 4.5 Without the benefit of a DVLA check there is no way that the Licensing Authority will know that the licence produced is current and up to date. It is also essential to examine the history of each licence and the regularity of the driver receiving penalty points.
- 4.6 The administration of all DVLA checks will be out sourced to IDS at a cost of £8.25, which will be passed on to the drivers and embedded within the yearly licence fee. This cost allows further checks free of charge on that licence within that twelve month period. Both Hackney Carriage and Private Hire Drivers licensed by Selby District Council are required to renew their licences on a yearly basis. At present Selby District Council licence 176 drivers.
- 4.7 It is anticipated that the initial contract with IDS will be for two years and the terms of a standard service level agreement will be available on the day of the Licensing Committee meeting. In addition it is anticipated that a

representative of the company will attend the meeting in order to provide a short presentation.

- 4.8 This system presents a number of advantages not least of which is the contribution to road safety by identifying high risk drivers and those concealing a true record of their motoring history.
- 4.9 If councillors approve the introduction of this check, drivers will be asked to sign a Data Protection Mandate authorising IDS to obtain driving licence information relating to that specific driver. The mandate is for one year, during which time IDS can undertake unlimited checks. When the driver is no longer licensed by the Council the mandate is automatically cancelled. Implementation of this new system is a straightforward process and as the cost is below the Council's procurement threshold there is no requirement to undergo a procurement exercise.
- 4.10 A "Frequently Asked Questions" document is attached at Appendix A. This document will be given to both Hackney Carriage and Private Hire Drivers alike

5. Financial Implications

- 5.1 The following financial implications assume a start date of 1st October 2008, with the cost of the initiative being passed on to the drivers.

	2008/9	2009/10	2010/11
Estimated cost of Licence checks	£726	£1452	£1452
Additional income	£726	£1452	£1452
Net cost to the Council	£0	£0	£0

6. Link to Corporate Plan

- 6.1 The additional safeguards proposed in this report will help support the Council's strategic theme of putting customers first.

7 How Does This Report Link to Council's Priorities?

- 7.0 This report will contribute towards acknowledging the priority of safer communities.

8 Impact on Corporate Policies

8.1	Service Improvement	No Impact
8.2	Equalities	No Impact
8.3	Community Safety and Crime The checks will ensure that dishonest drivers are identified thereby ensuring the safety of the public.	Impact
8.4	Procurement	No Impact
8.5	Risk Management The checks will ensure that high risk drivers are identified thereby ensuring the safety of the public.	Impact
8.6	Sustainability	No Impact
8.7	Value for Money	No Impact
9	Background Papers	
9.1	Schedule featuring frequently asked questions.	

FREQUENTLY ASKED QUESTIONS

Driving Licence Checking

To allay any concerns you may have in completing the Data Protection Mandate (DPM) allowing Intelligent Data Systems (UK) Limited (IDS) to check your driving licence details via DVLA, please see below some information about IDS and how the data collected will be used.

Who are IDS?

Intelligent Data Systems (UK) Limited (IDS) are a privately owned company specialising in the management of data for the fleet industry. They are a registered Data Controller within the requirements of the Data Protection Act. They provide their services to companies operating their own vehicle fleet, Council Licensing Authorities and to leasing, fleet management, insurance and risk management companies. IDS are regularly audited by DVLA particularly with regard to the management of individual driver data.

Why do I need to complete this form?

Under Health and Safety and Duty of Care requirements, Selby District Council are obliged to check that all taxi licence holders are correctly licensed to drive. Selby District Council have outsourced the process to Intelligent Data Systems (IDS) in order to replace the previously onerous task of manually checking driving licences.

What information will IDS collect and how will it be used?

Having signed your DPM, IDS will request your current endorsement and licence category information from the Driver and Vehicle Licensing Agency (DVLA). The information that is collected and held will be current information only and not out of date, historical data. Under the agreement between DVLA and IDS, IDS will simply report this data to us and will neither make any recommendations as to how we should act upon it nor will IDS use the data to inform the DVLA of any incorrect addresses.

Why does Selby District Council Licensing Authority not simply visually check each driver's driving licence?

Visually checking licences relies solely on the information provided, which may not be up to date, rather than "real time" information. From the Council's perspective they need to ensure that they are in possession of the accurate and latest licence state at the time of checking which is only available from the DVLA. Using a specialist provider such as IDS ensures accuracy, ease of information access centrally and a reporting function for risk assessment purposes.

Can IDS sell personal data to any other organisations?

All driver information is held securely and under the terms of our agreement with Selby District Council and DVLA, no information will be sold to third parties or marketing organisations or abused in any way.

Any such contravention would lead to Intelligent Data Systems Data Protection Licence with DVLA being revoked.

Can I have access to my personal records?

Yes – under data protection rules, you can request IDS to make available all information held about you personally. IDS may, however, charge for this request.

Why does the form refer to endorsement information from the past?

The information, which DVLA will provide will be current information only – this may refer to endorsements, which have occurred in the past, but we will only receive details on these endorsements if they are current. Specifically, all endorsements remain on a driver's record for a total of 4 years unless they are certain CD offences (careless driving) or certain DR offences (drink or drugs) endorsement or a previous ban – in which case, they remain on record for 11 years.

How do I fill in the Driver Data Protection Mandate form?

All boxes must be filled in using BLACK INK AND BLOCK CAPITAL LETTERS. Where information has not been available and those boxes are left blank or the information is incorrect, please complete the empty boxes with the correct information.

It is important that you sign and date the document before returning the data protection mandate.

Once complete where do I return the form?

Once completed, the Data Protection Mandate form should be returned to Selby District Council's Licensing department.

Who do I contact if I require any further assistance?

Any further questions not covered in this document should be directed to Selby District Council Licensing department.

What assurance can IDS provide for misuse of information?

Under the agreement between IDS and Selby District Council and also the contract between IDS and DVLA, IDS cannot use any information that they hold for any other purpose other than reporting on driving licence information. The contract also means that no information will be sold onto any other parties. In effect, the information cannot be misused or abused. Were IDS to misuse or abuse the terms of our contracts, they would risk losing customers and their supplier (DVLA) – in effect they would be unable to trade.

IDS are registered as a data controller under the Data Protection Act (Reg No.Z853 6279). All driver information is held securely and under the terms of our agreement with Selby District Council and DVLA, no information will be sold to third parties or marketing organisations or abused in any way. Any such contravention would lead to IDS' Data Protection Licence being revoked.

Where is the personal data held and how will this be secured?

IDS take data security extremely seriously and ensure that access to the information is very tightly controlled. Two of the UK's major clearing banks and one of the UK's major insurance companies represent just 3 of our extensive customer list and they have demonstrated to all of them as well as DVLA that they have very strict procedures in place. They have managed very rigorous IT audits in order to ensure full IT compliance to all parties.

IDS database (which holds all driver information) is held electronically on secure servers, which are hosted by an organisation called Rackspace who are a specialist provider in this field; they provide similar services for many large blue chip organisations. Customer access is only available via secure login using username and password to the named account only which is issued by IDS. Driver information is not held on laptops, desktops or any other external memory such as flash drive, CD or floppy. Another reason for outsourcing their servers to a specialist-hosting organisation is for business contingency reasons. In the event of any unforeseen circumstance, they would be able to replicate their operations very easily with little or no disruption to our day-to-day business.

Why do IDS need to hold driver related data?

Under duty of care requirements, Selby District Council must be able to demonstrate an audit trail should any issue relate to a Health & Safety matter concerning a driver / driving related incident. In the event that the police or the HSE asked Selby District Council to prove that a driver's licence had been checked, Selby District Council can simply show the output from the IDS system or print out a hard copy. If IDS were to delete a driver's details in between licence checks, there would be no record of what those details were.

What reassurance can IDS provide in respect to the data being used for identity theft?

Apart from the driving licence number, IDS only hold personal information, which is available via the public domain (e.g. electoral role). IDS do not hold critical information which could enable an identity to be 'stolen'; in order to do this, they would have to hold information such as place of birth, NI number, financial information, mother's maiden name – none of which we hold. IDS have actually prevented several instances of identity theft because they have highlighted drivers with a high number of points to their customer and when they have spoken to their employees, this has turned out to be incorrect and due to cases of stolen identity.