



LICENSING COMMITTEE
THURSDAY 9TH JUNE 2011 AT 5.30 P.M.
COUNCIL CHAMBER, PARK NORTH, NORTH STREET, HORSHAM

Councillors:	Peter Burgess	Gordon Lindsay
	George Cockman	Chris Mason
	David Coldwell	Christian Mitchell
	Christine Costin	Josh Murphy
	Helena Croft	Sue Rogers
	Leonard Crosbie	Jim Sanson
	Brian Donnelly	David Skipp
	David Jenkins	

You are summoned to the meeting to transact the following business

TOM CROWLEY
Chief Executive

AGENDA

	Page No.
1. Election of Chairman	
2. Appointment of Vice-Chairman	
3. Apologies for absence	
4. To approve as a correct record the minutes of the meeting of the Committee held on 10 th February 2011	1
5. To receive any declarations of interest from Members of the Committee	
6. To receive any announcements from the Chairman of the Committee or the Chief Executive	
7. To consider the following report of the Head of Planning & Environmental Services:	
(i) Introduction of DVLA Check for Licensed Drivers	3
8. Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances	

Please note that the meeting will be followed by a short training session for Members of the Committee

LICENSING COMMITTEE
10th February 2011

Present: Councillors: Christian Mitchell (Chairman), Leonard Warner (Vice-Chairman), George Cockman, Christine Costin, Leonard Crosbie, Brian Donnelly, Duncan England, Jim Sanson

Apologies: Councillors: Sheila Dale, Peggy Davies, Alan Fisher, Sally Horner, Ian Shepherd, Mrs Sheila Van Den Bergh, Keith Wilkins

LI/15 **MINUTES**

The minutes of the meeting held on 11th November 2010 were approved as a correct record and signed by the Chairman.

LI/16 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

LI/17 **ANNOUNCEMENTS**

There were no announcements.

LI/18 **PUBLIC HEALTH AND LICENSING – LICENCE FEES FOR 2011/2012**

The Head of Planning & Environmental Services reported on the proposed fees for various licences issued by the Public Health & Licensing Department. The fees, if approved by the Committee, would take effect on 1st April 2010.

The individual licence fees were calculated to recover the cost of issuing the licence and enforcing the requirements of the legislation. There were other licenses issued by the Public Health & Licensing Department, the fees for which were set by statute and could not be changed.

The fees were calculated taking into account officer time, transport and any external costs that the Council incurred. The Council had determined that where possible fees and charges should go up in line with inflation (Consumer Price Index 3.1%).

The work involved in dealing with a license for animal boarding establishments, pet animals and the renewal of dog breeding license were the same and therefore the fees had now been set at the same level.

The Committee had considered the fee for Sex Establishments at its meeting of 11th November 2010 and approved the new fee levels, which reflected the cost of administrating these licenses.

LI/18

Public Health And Licensing – Licence Fees For 2011/2012 (cont.)

RESOLVED

That the fees for licences issued during 2011/12
be agreed, as submitted, to take effect from 1st
April 2011.

The meeting ended at 6.30pm having started at 5.30pm

CHAIRMAN

Report to Licensing Committee

9th June 2011

By Head of Planning & Environmental Services

DECISION REQUIRED



**Horsham
District
Council**

Not exempt/

Introduction of DVLA Check for Licensed Drivers

Executive Summary

The purpose of this report is to propose an amendment to the existing policy when drivers are applying or renewing their hackney carriage or private hire driver licences.

At present the Councils policy requires sight of the applicants DVLA driver licence and counterpart, this is taken at face value and no other checks are made with DVLA.

An on-line web based system has now been made available to electronically check all drivers' details; this is provided via 'Data Check' system by Intelligent Data Systems (IDS).

The IDS system will provide guaranteed up to date information. Unfortunately, not all applicants submit their paper licenses to DVLA for endorsing which 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.

Recommendations

The Committee are recommended to:

- i) Change existing policy in respect of checking driving licences and approve the use of the electronically checking system as provided by Intelligent Data Systems.
- ii) To approve that the cost of undertaking the electronic checks, currently £5.75 per check, should be added to the application fee.

Reasons for Recommendations

- i) To protect the public.
- ii) The proposed new policy will ensure the most up to date information is available to ensure that only 'fit and proper persons' are granted hackney carriage/private hire licenses.

Background Papers

Consultation

Wards affected

Contact A Skipper x 5326.

Background Information

1 Introduction

The purpose of this report

- 1.1 The purpose of this report is to propose an amendment to the existing policy when drivers are applying or renewing their hackney carriage or private hire driver licences.
- 1.2 At present the Councils policy requires sight of the applicants DVLA driver licence and counterpart, this is taken at face value and no other checks are made with DVLA.
- 1.3 An on-line web based system has now been made available to electronically check all drivers' details; this is provided via 'Data Check' system by Intelligent Data Systems (IDS).

Background/Actions taken to date

- 1.4 The Council is responsible for the licensing of hackney carriage and private hire drivers and has a duty of care to the public to ensure drivers are 'fit and proper'.

2 Statutory Background

- 2.1 **Town Police Clauses Act 1847**
Local Government (Miscellaneous Provisions) Act 1976

Relevant Government policy

- 2.2 None

Relevant Council policy

- 2.3 To check each driver's DVLA licence on application or renewal of hackney carriage/private hire licence.

3 Details

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

Agenda Item 7(i)

- 3.3 Drivers will bear the cost of the check which will be £5.75 per check. No additional costs will be incurred by the Council.
- 3.4 Once the applicant /licensee have signed the mandate, the Licensing section will have authorised access to individual records for 3 years.
- 3.5 A frequently asked questions document is attached at appendix 'A'. This document will be sent to all drivers prior to them signing their DVLA mandate.
- 3.6 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.
- 3.7 This system will also benefit the drivers as they will no longer have to attend the Council office to renew their hackney carriage/private hire driver licence which will cut down on the travelling time and distance travelled by the driver.
- 3.8 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.

4 Next Steps

- 4.1 Should the Licensing Committee approve the change to policy the new DVLA check will commence on as soon as practicable.

5 Outcome of Consultations

- 5.1 Discussions with the hackney carriage association representative have been carried out and have I written to every driver advising of proposed changes to renewal and application of driver's licences. The feedback that I have received from drivers regarding this has all been positive.

6 Other Courses of Action Considered but Rejected

- 6.1 To continue with the current Councils policy that requires sight of the applicants DVLA driver licence and counterpart, this is taken at face value and no other checks are made with DVLA

7 Staffing Consequences

- 7.1 None

8 Financial Consequences

- 8.1 Drivers will bear the cost of the check which will be £5.75 per check. No additional costs will be incurred by the Council.

Appendix 1

Consequences of the Proposed Action

<p>What are the risks associated with the proposal?</p> <p>Risk Assessment attached Yes/No</p>	<p>Not to amend policy could result in drivers not declaring to the Council any endorsements etc on their DVLA driving licence.</p>
<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>Will help prevent fraud.</p>
<p>How will the proposal help to promote Human Rights?</p>	
<p>What is the impact of the proposal on Equality and Diversity?</p> <p>Equalities Impact Assessment attached Yes/No/Not relevant</p>	<p>No negative impact on the equality groups is foreseen directly as a result of this proposal.</p>
<p>How will the proposal help to promote Sustainability?</p>	

Dear Driver,

To allay any concerns you may have in completing the data protection mandate allowing Intelligent Data Systems (UK) Limited (IDS) to check your driving licence details via the DVLA, please see below some information about our Company and your data. We trust this will provide you with reassurance in your employer using a third party to collect this information.

Who are IDS?

Intelligent Data Systems (UK) Limited (IDS) is a privately owned company specialising in the management of data for the fleet industry.

Where is personal data held and how do I know this is secure?

IDS is registered as a Data Controller within the requirements of the Data Protection Act (Reg No.Z853 6279) and have been assessed by The British Standards Institution (BSI) and have gained the following accreditations: Quality Management Systems - ISO 9001:2008 Certificate No: FS 554052 and Information Security Management System - ISO/IEC 27001:2005 Certificate No: IS 560380

IDS treat 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 we have demonstrated to them as well as the DVLA that we have very strict procedures in place. We have undergone rigorous IT audits in order to ensure full IT compliance to all parties. Access to driver data is only available to named authorised users via secure login using user name and password to the named account only, which is issued by IDS.

The IDS database (which holds driver information) is held electronically on secure dedicated servers, which are hosted by a specialist company called Rackspace who provide their hosting services for many large blue chip organisations and are accredited ISO 27001:2005. By outsourcing our server hosting in this way means that in the event of any unforeseen circumstance, we are able to replicate our operations with little or no disruption to the services we provide to our Customers.

All IDS laptops are encrypted. All driver information is sent to and received from the DVLA is via dedicated encrypted lines.

Is my personal information going to be sold or used for any other purpose?

Absolutely not. Under the agreement between IDS and your employer and also the contract between IDS and the DVLA, IDS cannot use any information that they hold for any other purpose than reporting on driving licence related matters. The contract terms also means that no information can be sold to any other parties. In effect, the information cannot be misused or abused. Were we to misuse or abuse the terms of our contracts, we would risk losing our Customers and our supplier (DVLA). Any such breach of trust would lead to IDS' Data Protection Licence being revoked – we would be unable to trade.

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

Having received your completed and signed data protection mandate, IDS will request your current endorsement and licence category information from the DVLA. The information that is collected and held will be current information only and not out of date, historical data. Under the agreement between the DVLA and IDS, IDS will simply report this data to your employer. Home address information is not updated or notified to the DVLA by IDS as it is the responsibility of the driver to inform the DVLA of any change in address or relevant circumstances.

Why do IDS need to hold my information once the check has been completed?

Under duty of care requirements, your employer 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 your employer to prove that a driver's licence had been checked, your employer 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.

Can I have access to the information that IDS holds

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

I've read some worrying reports in the media about ID theft and need some reassurance about this:

Apart from the driving licence information, IDS only hold personal information, which is available in 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, we would have to hold information such as place of birth, NI number, financial information, mother's maiden name – none of which we hold. On occasions, we have actually highlighted instances of identity theft because we have reported drivers with a high number of points to our customers and when they have spoken to their employees, this has turned out to be incorrect due to cases of stolen identity.

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. Please note: if you forgot to sign the form or you date it incorrectly, the mandate will be invalidated and another form will be required.

Why do I need to complete this form?

Under Health and Safety and Duty of Care requirements, your employer is obliged to check that all employees who carry out any business mileage for the company, no matter the distance or frequency, or who are covered by the company insurance are correctly licenced to drive. Your employer has appointed IDS to facilitate this process in order to minimise any inconvenience by not requiring you to present your licence when requested as well as delivering a well-managed logistical alternative to the previously onerous task of manually checking driving licences. Also, by outsourcing this process to a specialist provider in the field of data management, the risk or exposure to possible data fraud is negated due to IDS' highly secure and encrypted systems and processes.

Why has my nominated/additional driver(s) been asked to complete a data protection mandate?

If your employer has decided to check the licence status of nominated additional drivers, then they too will be required to complete a Data Protection Mandate. Please note that you cannot sign the mandate on their behalf, they must sign it themselves. Failure to sign it themselves will render the mandate invalid and they will be required to sign another form.

I drive my own vehicle so why do I have to provide insurance and MOT details?

If you use your own vehicle for any business mileage (no matter how few miles) under Health and Safety and Duty of Care requirements, your employer is obliged to check that you hold valid insurance (for business use) and where applicable, a valid MOT. The Q1 declaration document is a self declaration form to capture the information which your employer is obliged to hold to meet their duty of care requirements.

I don't have a UK DVLA issued licence, what do I need to do?

If you have a Northern Ireland issued licence you will need to complete a special data protection mandate, issued by the DVA (Northern Ireland). Please request a DVA mandate from your Line Manager, HR Department or email support@intelligentdatasystems.co.uk.

If you have any other licence that has not been issued by the DVLA or the DVA then please complete the data protection mandate you have been given and, in addition, take a photocopy of both sides of your licence card and your counterpart (if applicable). Please ensure the photocopied pages have your name and your Company name written clearly on it. Also please note on the photocopy the date you entered the UK as an overseas licence holder. Return the mandate and the photocopied licence to the address on the mandate.

Why doesn't my employer not simply visually check my drivers licence?

Visually checking licences relies solely on the information provided, which may not be up to date, rather than "real time" information. From an employers' perspective they need to ensure that the information they receive regarding the status of an employee's driving licence is correct, thorough and current and this level of information is only available from the DVLA. Using a specialist provider such as IDS ensures accuracy, ease and speed of information access centrally and a reporting function for risk assessment purposes.

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

The information, which the 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 remain current (i.e. unspent offences). 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.

I do not hold a full driving licence OR I do not use my own vehicle or drive any other company owned vehicle for business purposes – What should I do?

You may be asked to complete a Non Driver Declaration form (ND10) and IDS will amend your driver record accordingly and record your declaration. It is your responsibility however, to ensure you notify your employer and or IDS if your circumstances change at any time in the future.

What happens to my information (and that of any additional/nominated driver) if I leave the company?

Your employer will inform IDS and we will delete your information (and any details for nominated additional drivers) from our records and any requests for information from the DVLA will cease.

Where do I send the completed mandate?

Please check the form is correctly completed, signed and dated correctly, you will find the return details are on the Data Protection Mandate.

Who do I contact if I require any further assistance?

If you have a query or need assistance, the contact details are included in the covering email or letter.