

| Report of | Meeting | Date |
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| Director of People and Places | Licensing and Public Safety Committee | 9 March 2011 |

Appendix

DVLA V5 DOCUMENT REQUIREMENT

PURPOSE OF REPORT

1. To bring to Members attention concerns raised by the taxi trade relating to a long standing condition relating to Hackney Carriage and Private Hire vehicle licences which require the DVLA V5 vehicle registration document to be presented as part of the licence application process for a hackney carriage or private hire vehicle licence.

RECOMMENDATION(S)

2. Members are recommended to note the concerns of the taxi trade and resolve to retain the condition unchanged.

EXECUTIVE SUMMARY OF REPORT

3. Members of the taxi trade have raised concerns that one of the Councils conditions of a vehicle licence being granted is delaying their ability operate a vehicle as quickly as they would like.

4. The relevant condition is as follows:

“Proprietors must produce the following documents in order to progress the application:

The DVLA V5 ‘log book’ or other certificate or document in the name of the vehicle proprietor that declares the first date of registration of the vehicle. Only vehicles declared as new at first registration in the UK will be considered for licensing, except stretched limos etc. Such vehicles will be licensed at the discretion of the Council.”

5. The V5 vehicle ‘logbook’ is the document issued by the DVLA which declares the date of first registration of the vehicle and names the registered keeper of that vehicle. (Appendix A refers)
6. When a vehicle is purchased and in particular second hand vehicles, the V5 ‘log book’ is sent away by the vehicle vendor to the DVLA and the new owner of the vehicle receives a handwritten slip containing their name and address which links them by a serial number to the old V5 registration document in the possession of the vendor or in transit to the DVLA. This slip is effectively a receipt for the full V5 document should a new version not be forthcoming from the DVLA. It is officers opinion that the slip is not a replacement for the full V5 ‘logbook’ document.
7. The DVLA service standards indicate that over 97% of V5 documents are issued within 14 days of receipt from the vehicle vendor which amounts to a possible 2 to 3 week delay in the new owner receiving the V5 ‘logbook’. (Appendix B refers) Therefore whilst the Council can process any application for a hackney carriage or private hire vehicle licence, until the V5 document has been presented and is in order the licence cannot be issued.



8. This methodology is fully in keeping with case law and its subsequent interpretation and Members are referred to Cannock Chase District Council v Alldritt 1993. The details of this case are given below.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

9. To ensure that there is a traceable and accurate document which identifies the registered vehicle keeper in order that the vehicle licence applicant and vehicle keeper can be identified as one and the same person at the time of vehicle licence application as well as confirmation of the date of first registration of the vehicle in the UK.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10. At the point of sale of a vehicle the new keeper is given a hand written tear off slip form the V5 document by the vendor. This handwritten tear off slip could be used as the required document trace, however due to its hand written nature and the fact that it has not been verified and registered with the DVLA means it does not provide a robust means of identifying the registered keeper of the vehicle at the time of the vehicle licence application.

BACKGROUND INFORMATION

11. The Local Government (Miscellaneous Provisions) Act 1976 section 57(1) provides that : " A district council may require any applicant for a licence under the Act of 1897 or under this part of the Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.
12. In the case referred to above which related to an appeal against Cannock District Council by Mr Alldritt for the refusal of a hackney carriage licence on the grounds of unmet demand, the judge, Lord Justice Mann, noted that the provision of insurance documentation was entirely reasonable as such information necessary to determine an application.
13. The interpretation of this has been expanded upon in the licensing standard text book 'Taxis Licensing Law and Practice' 2nd Edition published by Tottel where it is stated that the principle relating to insurance documentation appears to be extendable to the requirement for vehicle registration documentation to be provided in determining an application.
14. Therefore officers are of the opinion that the requirement to provide the full V5 'logbook' as part of the vehicle licence application process is reasonable and provides third party confirmation (via the DVLA) as to the proprietorship of, or interested parties (keeper) in the vehicle to be licensed.
15. Members will note that the Council condition referred to above (para 4) does provide for "other certificate or documentation in the name of the proprietor that declares the date of first registration of the vehicle" to be presented as an alternative. This allows applicants of brand new vehicles to submit other documentation which both indicates that it was registered in the UK as a new vehicle and details the name and address of the vehicle proprietor.
16. However in respect of second hand vehicles presented for licensing, the main document that meets this criteria is the V5 'logbook'.

CORPORATE PRIORITIES

17. This report relates to the following Strategic Objectives:

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|---|--|--|---|
| Strong Family Support | | Education and Jobs | |
| Being Healthy | | Pride in Quality Homes and Clean Neighbourhoods | |
| Safe Respectful Communities | | Quality Community Services and Spaces | |
| Vibrant Local Economy | | Thriving Town Centre, Local Attractions and Villages | |
| A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money | | | X |

IMPLICATIONS OF REPORT

18. This report has implications in the following areas and the relevant Directors' comments are included:

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| Finance | | Customer Services | |
| Human Resources | | Equality and Diversity | |
| Legal | X | No significant implications in this area | |

COMMENTS OF THE HEAD OF GOVERNANCE

19. There are no additional legal issues to raise over and above the references in the report. It is a matter for the Licensing Authority to assess whether the requirement to provide the V5 document or other documentation that serves the same purpose is reasonable.

JAMIE CARSON
DIRECTOR PEOPLE AND PLACES

There are no background papers to this report.

| Report Author | Ext | Date | Doc ID |
|---------------|------|------------------|--------|
| Simon Clark | 5732 | 15 February 2011 | V5doc |