



Date: 29 July 2005

Dear

Freedom of Information Request

Thank you for your letter of 6 July 2005 in which you requested information under the terms of the Freedom of Information Act 2000 (FOIA). I can confirm that the Driver and Vehicle Licensing Agency (DVLA) holds some of the information that falls within your request.

I will answer your questions in the order you raised them.

- a) I ask that you provide me with your in-house performance management records, in particular those that indicate that the public can have absolute confidence that DVLA records are categorically correct and well managed.*

The Agency keeps a register of vehicles and their keepers and this is maintained specifically to assist with road safety, law enforcement and the collection of Vehicle Excise Duty (VED). It is essential, therefore, that information about vehicle keepers on the register is accurate and up-to-date but we are very much reliant on the public and the motor trade to provide this information.

We do, of course, have our own accuracy targets to ensure, as much as possible, that we capture information correctly once we have received it. Our target is to capture 97.5% of information correctly based on the details provided to us. For 2004/2005 our actual performance was 97.83%. We also aim to process 95% of changes notified on Registration Certificates with 12 days of receipt. For the same period our actual performance was 97.22%.

- b) In the last 2 years, the quantity of disputed cases vis-à-vis vehicle ownership and SORN declarations, and what percentage of these are found to be DVLA's responsibility.*

Statutory Off Road Notification (SORN) legislation was introduced on 31 January 1998. The objectives of this legislation were reinforced with the introduction of Continuous Registration (CR) in January 2004. CR legislation and corresponding regulations took effect from 30 November 2003 with enforcement action being taken from March 2004 for a failure to renew



vehicle licences/SORN declarations expiring at the end of December 2003. After February 2004, individual SORN enforcement action was initiated in only a handful of cases.

When dealing with your request, we have taken your reference to 'disputed cases' to mean those initiated in accordance with CR legislation and corresponding regulations.

There are two ways in which CR enforcement action can be initiated. Each month, DVLA carries out a check of the vehicle register to identify vehicles without a valid licence or SORN declaration in force. Once identified, penalty letters are issued automatically to the registered keeper. Enforcement action is taken directly from the vehicle record.

Late Licensing Penalties (LLPs) are issued in accordance with Section 7A of the Vehicle Excise and Registration Act 1994 (VERA). The penalties are for the amount of £80, reduced to £40 on early settlement. County Court action will ensue where the penalty remains unpaid to afford recovery of the debt to the Crown.

Further to the above-mentioned action, a secondary enforcement case may also be verified for which action is initiated under Section 31A of VERA for the offence of being the registered keeper of an unlicensed vehicle. DVLA has the power in these cases to offer Out of Court Settlement (OCS) to the registered keeper, by virtue of Sections 6 (2) and 6 (5) of VERA. Prosecutions for these offences are taken in the Magistrates Court.

Once enforcement correspondence has been issued to a vehicle keeper, the recipient has the opportunity to respond (by utilising the appropriate sections on the reverse of the enforcement letter) providing any mitigating evidence, which would dispute the need for payment of an LLP.

On receipt of a response, each case is given individual consideration. The decision to proceed or not with enforcement action is dependent on the information provided. Where action is not discontinued further correspondence is issued to the vehicle keeper advising continued liability for the LLP. If the LLP is not paid, cases are pursued through the County Court.

On conclusion, each enforcement case is closed. The length of time such cases are stored is dictated by the type of case, reason for closure, what stage the case had reached when closed and which Court it was processed through. The storage period can be 1 month, 3 months, 6 months or possibly 6 years.

Of those enforcement cases still held by the Agency, without manual interrogation of each individual case, it would not be possible to determine whether or not a case was disputed. In the circumstances, this information will not be made available to you, as to do so would be labour intensive and exceed the cost limit set for compliance with such a request under the terms of the FOIA.

c) In respect of correspondence relating to complaints and redress as per sub-para 3b above, what details prove that the Agency is 100% confident it has fined only those deserving of such? On whose judgement is the final call made to continue with fining the alleged owners, and when, how and by whom is this reviewed?

The Agency is acting on behalf of the Secretary of State to ensure compliance with vehicle registration and licensing legislation. Where a breach in legislation has been identified, the Agency is obliged to investigate all alleged offences that are brought to its attention. All enforcement cases are reviewed impartially by enforcement officers, in an even-handed and consistent manner, with regard to the facts and the law. We cannot ignore the legal requirements. Where doubt remains as to the mitigation offered, then guidance can be sought at a more senior level. On a monthly basis, a percentage check of closed enforcement cases is undertaken by office managers

Where insufficient mitigating evidence has been provided by the vehicle keeper to prevent the continuation of enforcement action, the 'alleged offender' is given a further opportunity to submit payment of the LLP.

Where it is determined that an offence has been identified due to an inaccuracy in the Agency's vehicle register, or in limited exceptional circumstances, the case in question is closed. By exceptional circumstances, we mean reasons that do not mitigate an offence but have prevented a vehicle keeper from re-licensing their vehicle on time or, alternatively to declare that the vehicle is being kept off road. We realise that there will be circumstances where through no fault of the vehicle keeper, this has not been done. We appreciate that this is a discretionary decision and one that is not always either easy to make or accept.

d) Has the Agency a robust programme of continuous improvement to address the problems caused by lost and/or mishandled mail, errors in record-keeping, and what is the statistical record over the last few years that prove the trend is positive?

DVLA is currently looking at ways to prevent documents becoming mislaid on receipt in the Agency.

For the future, the Agency is undergoing a large programme of work that entails managing operational documents through the capture of electronic images linked to specific business systems or linked more permanently to casework records or invoicing records.

Multiple-handling of documents will be replaced by automated processes to capture, deliver and archive documents in one pass and subsequent movement of documents will be achieved economically by electronic means. Limiting human intervention to mail receipt/scanning areas will greatly reduce the time spent, and the number of people involved, in transporting documents within DVLA. The likelihood of losses caused by manual handling and transportation of documents will be minimised. Any errors that may be caused by such losses will also be reduced as a result. The ongoing programme of work will provide the DVLA with state-of-the-art information capture and document archiving system to meet current and future business needs.

As far as the errors in record keeping are concerned we are reliant on vehicle keepers and the motor trade providing us with accurate information. We know that keepers and dealers fail to notify the Agency when a vehicle is taken off the road or when it is sold or transferred. Continuous Registration (CR) was introduced to help combat this. Under CR, the registered keeper remains responsible for a vehicle until DVLA has been formally notified of its transfer, destruction, export or theft.

We also know that, on occasions, we are knowingly provided with false details. We have no way of knowing if a name and/or address, is false and are reliant on the public and motor trade to provide correct information.

All Registration Certificates issued by the Agency but which cannot be delivered are returned to us by Royal Mail. Once an undelivered Certificate is received, the original application is interrogated to ensure correct data has been captured. Where it has not, the record is corrected and a new Certificate issued. During 2004 the Agency issued over seventeen and a quarter million certificates. Of those 0.21% were returned as undelivered mail due to errors by Agency staff.

If you are unhappy with the way the Agency has handled your request, you may ask for an internal review. You should contact the Local Operations Directorate Freedom of Information Champion.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further guidance of DfT complaints procedures are detailed in Annex A.

If you have any queries about this letter, please contact me, quoting the above reference in any future communications.

Yours sincerely

DfT COMPLAINTS PROCEDURES

You have the right to complain about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF