



Date: 31 May 2005

Dear

Freedom of Information Request

I am writing to advise you that the Agency has now completed the Public Interest Test and has decided to disclose the information you requested on 6 April 2005.

In answer to your request:

Please can I have statistics for the numbers of Late Licensing Penalty's (LLP's) issued over the last 5 years.

I should explain that the Continuous Registration (CR) legislation and corresponding regulations took effect from 30 November 2003 with enforcement action being taken from March 2004 for vehicle licences expiring at the end of December 2003.

Under the new system of CR, the registered keeper remains responsible for an unlicensed vehicle until DVLA has been formally notified of its transfer, destruction, export or theft. Enforcing this legislation is vital to the scheme's success. On every CR case an LLP is payable, however, as their issue is linked solely with the introduction of CR, I am only able to provide you with statistics from January 2004 to date, which are detailed below:

<i>Date of liability following licence expiry</i>	<i>Date of creation of enforcement case</i>	<i>Late Licensing Penalties (LLP's) issued</i>
01/01/04	March 2004	85,952
01/02/04	April 2004	81,131
01/03/04	May 2004	87,548
01/04/04	June 2004	85,045
01/05/04	July 2004	83,107
01/06/04	August 2004	89,607
01/07/04	September 2004	88,367
01/08/04	October 2004	98,957
02/08/04 – 01/09/04	November 2004	120,370
02/09/04 – 01/10/04	December 2004	137,048



02/10/04 – 01/11/04	January 2005	146,851
02/11/04 – 01/12/04	February 2005	124,344
02/12/04 – 01/01/05	March 2005	122,292
02/01/05 – 01/02/05	April 2005	101,349
02/02/05 – 01/03/05	May 2005	113,486

In answer to your request:

Can you also tell me how many of those disputes were resolved i.e. were they paid or did the DVLA accept the argument of the complainant.

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

On receipt of a response to an LLP, each case is given individual consideration. The decision to proceed or not with enforcement action is dependent on the information provided. CR enforcement cases may be discontinued because the vehicle keeper supplied sufficient mitigating evidence. However, where this is not the case, further correspondence is issued to the vehicle keeper advising continued liability for the LLP. If the penalty 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.

In answer to your request:

I would also like to see material relating to decisions taken by the DVLA on methods of paying fines. Specifically how and why the DVLA reached the decision not to accept payments in instalments.

I can confirm that there is no material held relating to decisions taken by DVLA on the methods of paying fines. Specifically in relation to the supplement, the amount payable is prescribed in Regulations. A lesser amount (£40) is payable if payment is made within 28 days of liability arising but otherwise will be £80.

Administrative reasons for not allowing payment by instalments at the LLP stage are:

1. An instalment option would not be consistent with the incentive to pay a lesser amount earlier.

2. The administration associated with accepting payment by instalment would be too burdensome.
3. Enforcement required to pursue those who reneged on payments would be considerable.
4. Additional considerative work would be necessary to determine the type of enforcement action needed and would reduce the cost effectiveness of bulk County Court processing.
5. Payment by instalment is specifically provided for when making payment pursuant to a County Court Judgement. This is the only situation at present that offers the opportunity to pay by this method.

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