



Date: 29 June 2005

Dear

Freedom of Information Request

I am writing to confirm that the Driver and Vehicle Licensing Agency (DVLA) has now completed its search for the information you requested on 1 June 2005. Your request has been dealt with under the terms of the Freedom of Information Act 2000 (FOIA). I will answer your requests in the order made.

a) The guidelines employed when assessing exceptional circumstances.

Although each case is considered on its merits there are guidelines to assist in the assessment of whether exceptional circumstances exist. Information concerning the guidelines employed when assessing exceptional circumstances in enforcement cases is being withheld as it falls under the exemption in Section 31 (1) (d) of the FOIA. We consider that disclosing information relating to exceptional circumstance guidelines utilised in respect of enforcement cases would, or would be likely to, prejudice the collection of Vehicle Excise Duty (VED) as knowledge of what may constitute exceptional circumstances (and hence when supplement liability is unlikely to be pursued) would be likely to lead to an increase in late, or possibly non, payment of duty.

This exemption can only be relied upon where, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Having considered the public interest test, I have decided to withhold the information for the reasons provided in Annex A.

b) Details of who exercises any discretion exercised under those guidelines.

On receipt of a response to a Late Licensing Penalty (LLP) letter or an Out of Court Settlement (OCS) letter, each case is given individual consideration as mentioned earlier. The decision to proceed or not with enforcement action is dependent on the information provided. It is enforcement officers at our Local Offices (LOs) and Continuous Registration Enforcement Centres (CRECs) who investigate and make decisions in respect of individual enforcement cases.



c) Details of training given to the person exercising the discretion (if any) or applying the guidelines.

The amount of training for the implementation of any major change initiative which involves new procedures will depend on the complexity of those new transaction or enforcement procedures. In the case of Continuous Registration (CR), an element of which is the imposition of the late renewal supplement, all staff involved attended a two-week training programme to gain knowledge and expertise in the application of the guidelines. This was then consolidated through 'on the job experience' to implement the new procedures with the support of colleagues and Managers with the relevant subject matter expertise.

d) Please provide me with details of the body responsible for accrediting the department with its Charter mark (appearing at the foot of your letter).

Charter Mark is the Government's national standard for excellence in customer service. It is a registered certification mark, which is owned by the Cabinet Office. The Charter Mark Team, part of the Prime Minister's Office for Public Services Reform, determines the policy and administration of the scheme.

The body responsible for accrediting DVLA with Charter Mark is Charter Mark Assessment Services (CMAS). Further information can be obtained from:-
www.chartermark.gov.uk/

CMAS is one of four Charter Mark accreditation bodies that are each accredited by United Kingdom Accreditation Services (UKAS), with the Cabinet Office retaining overall control of the Charter Mark scheme. For further information on the Cabinet Office:-
www.cabinetoffice.gov.uk/

e) Please confirm the criteria against which DVLA is assessed for its Charter mark.

There are six criteria against which Public Services are assessed in order to achieve the Charter Mark standard. They are:-

Criterion 1 – Set standards and perform well.

Criterion 2 – Actively engage with your customers, partners and staff.

Criterion 3 – Be fair and accessible to everyone and promote choice.

Criterion 4 – Continuously develop and improve.

Criterion 5 – Use your resources effectively and imaginatively.

Criterion 6 – Contribute to improving opportunities and quality of life in the communities you serve.

A copy of the booklet can be obtained from:-
www.chartermark.gov.uk/apply/criteria/index.htm

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 on DfT complaints procedures is given in Annex B.

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

Yours sincerely

Exemption – Section 31(1): Information which is not exempt information by virtue of Section 30 is exempt information if its disclosure under this Act would or would be likely to prejudice-

(d): the assessment or collection of any tax or duty or of any imposition of a similar nature.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> • To demonstrate that DVLA deals with all enforcement cases with a consistent, even-handed and fair approach. • To demonstrate that discretion can be shown in limited exceptional circumstances, when mitigation is presented in enforcement cases. 	<ul style="list-style-type: none"> • To ensure that DVLA are able to collect Vehicle Excise Duty (VED) and to pursue those who fail to comply with their statutory obligations by enforcing Continuous Registration (CR) legislation. • More specifically, to ensure that information about circumstances where enforcement action is not commenced or continued is not utilised to avoid or frustrate that action. • To ensure DVLA’s policy of enforcement in relation to the Continuous Registration (CR) regulations remains effective and continues to deter or prevent the evasion of VED, and the inaccuracy of the vehicle register.

Reasons why public interest favours withholding information

- To disclose information concerning mitigation accepted in enforcement cases would prejudice the collection of Vehicle Excise Duty (VED) as knowledge of what may constitute exceptional circumstances (and hence when supplement liability is unlikely to be pursued) would be likely to lead to an increase in late, or possibly non, payment of duty.

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