

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – 21 NOVEMBER 2018

Title of report	NATIONAL REGISTER OF TAXI AND PRIVATE HIRE LICENCE REVOCATIONS AND REFUSALS (NR3)
Contacts	Portfolio Holder - Councillor Alison Smith MBE 01530 835668 alison.smith@nwleicestershire.gov.uk Lee Mansfield Environmental Health Team Manager 01530 454610 lee.mansfield@nwleicestershire.gov.uk Andy Cooper Licensing Team Leader 01530 454844 andy.cooper@nwleicestershire.gov.uk
Purpose of report	This report details the introduction of a National Register of Taxi and Private Hire Licence Revocations and Refusals, which is to be known as the NR3 Register, as implemented by the Local Government Association (LGA) and National Anti-Fraud Network (NAFN). The committee is requested to determine whether or not the council should adopt the NR3 Register and Guidance.
Council Priorities	Business & Jobs Homes and Communities
Implications:	
Financial/Staff	The council is already an existing member of NAFN, therefore there will be no additional cost associated with the adoption of the NR3 Register and LGA/NAFN Guidance. There are no additional staffing implications
Link to relevant CAT	Not applicable
Risk Management	See body of report – section 4
Equalities Impact Assessment	Not applicable
Human Rights	A decision to revoke or refuse a licence will engage the licensee's rights under the Human Rights Act 1998 and consideration of Article 8 of the European Convention of Human Rights. This right can be limited in accordance with public law where it is necessary and proportionate to share information in the interests of public safety and the protection of the rights and freedoms of others

Transformational Government	None
Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	None
Background papers	Hackney Carriage and Private Hire Driver Fit and Proper Person Policy – Issue 15
Recommendations	<p>THAT LICENSING COMMITTEE ADOPT THE NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS AND REFUSALS AND THE GUIDANCE PRODUCED BY THE LOCAL GOVERNMENT ASSOCIATION AND NATIONAL ANTI-FRAUD NETWORK;</p> <p>THAT THE ENVIRONMENTAL HEALTH TEAM MANAGER BE GIVEN DELEGATED AUTHORITY, FOLLOWING CONSULTATION WITH THE PORTFOLIO HOLDER TO AMEND THE COUNCIL’S HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER FIT AND PROPER PERSON POLICY TO REFLECT THE ADOPTION OF THE NATIONAL REGISTER.</p>

1.0 INTRODUCTION

- 1.1 When considering applications for a hackney carriage / private hire driver licence, the council must be satisfied that the applicant is a “fit and proper person” to be granted a licence.
- 1.2 The Local Government Association (LGA) and National Anti-Fraud Network (NAFN) have implemented a National Register of Taxi (also incorporating Private Hire) Revocations and Refusals, to be known as the NR3, and the committee is requested to consider adopting the NR3 Register and associated Guidance.

2.0 BACKGROUND

- 2.1 All applicants for a taxi and private hire licence are asked, on the application form, if they have ever had a licence application refused or revoked by another local authority. If an applicant answers “yes” to this question, they also have to give the name of the local authority concerned and officers can ask that authority for the relevant information. However, if an applicant states “no”, there is no way to check or otherwise verify that this information is correct. Therefore, there is the potential for an applicant to have had a licence application refused or revoked by another local authority to obtain a licence elsewhere.

- 2.2 Similarly, there is the potential for a person who had their licence refused or revoked by North West Leicestershire District Council to obtain a licence elsewhere.
- 2.3 Regulators within the licensing trade have been advocating for a very long time for there to be a national register of licence revocations/refusals in order that adequate checks could be made against licence applicants, and the LGA, in conjunction with the NAFN, has now implemented such a database as from August 2018.
- 2.4 Attached to this report at **Appendix 1** is guidance on adopting the NR3 Register produced by the LGA and NAFN. The guidance stipulates the procedure that a local authority would need to follow in order to provide data for the NR3 Register and for the Council to access the data.
- 2.5 If the committee is minded to adopt the NR3 Register, it will involve the council providing information for the database on revoked or refused licences and responding to information requests on these data subjects in the event that the person applies to another local authority for a licence. When a person applies for a licence, the database will be checked by a licensing officer, and if an applicant appears on the database, an information request will be sent to the appropriate local authority.
- 2.6 With particular reference to the LGA/NAFN Guidance:
- 2.6.1 Section 4.1 refers to membership of the NAFN and the need to sign-up to data sharing and data processing agreements with NAFN. The council is already a member of NAFN, and as a result there will be no additional costs associated with this.
- 2.6.2 Section 4.3 refers to historic data migration and refers to data being retained for 25 years on the NR3 Register. Enquiries will have to be made to ascertain how many applicants have had their licence/application revoked or refused and it will be necessary to write to each previously revoked or refused applicant and advise them that their information will be uploaded to the NR3 Register and the reasons for this. An individual may request that the information is not uploaded and any requests of this nature will be fully considered before a final decision is made.
- 2.6.3 Section 5.3 refers to the disclosure of information relating to refusals/revocations and the need for the council to have a policy which governs its approach to the circumstances in which it will share, receive and use information of data from the NR3 Register. A suggested template policy is contained within the guidance at Appendix 1. A separate record will be made of all requests for information.
- 2.7 The committee is requested to consider the adoption of the National Register for Taxi Licence Revocations & Refusals together with the guidance produced by the LGA and NAFN.

3.0 OPTIONS

Option 1 – Do not adopt the NR3 Register

The potential for an applicant who has previously had a licence revoked or refused by another local authority to be granted a licence will remain. Similarly, the potential for a person who has had their taxi/private hire licence revoked/refused by the council to be granted a licence with another local authority remains.

Option 2 – Adopt the NR3 Register

This is the preferred option as it will give local authorities an extra check in regard to an applicant's background to protect the public.

4.0 RISK MANAGEMENT

- 4.1 Failure to adopt the NR3 Register may lead to a reputational risk to the authority for not following the LGA guidance, however this can be off-set by the checks that the council already has in place in regards to the suitability of an applicant.
- 4.2 There is also the reputational risk that this council may grant a licence to a driver whom another authority has deemed as being unsuitable.

5.0 IMPLEMENTATION

- 5.1 If the committee is minded to adopt the NR3 Register, the council's Hackney Carriage and Private Hire Driver Fit and Proper Person Policy will be reviewed and amended and the revised requirements implemented for any new applicants applying for a licence. Application forms for licences will be amended to refer to the NR3 Register.
- 5.2 New applicants will be made aware of the NR3 Register by changes to the application form which will inform applicants of the NR3 Register and that their information may be uploaded to it if their application is refused or any subsequent granted licence being revoked. Existing licence holders will be made aware of the NR3 Register when they come to renew their licence, via changes to application forms.
- 5.3 Where there are doubts as to an applicant's suitability to be granted a licence being on the NR3 Register, the applicant may be referred to the Licensing Sub-Committee for it to determine if the applicant is "fit and proper" to be granted a licence.
- 5.4 As the NR3 Register will involve the processing of personal data, the General Data Protection Regulation and Data Protection Act 2018 principles will need to be followed.