

| REPORT TO                             | ON                          |
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| Licensing and Public Safety Committee | 10 <sup>th</sup> March 2020 |



| TITLE                                      | REPORT OF   |
|--|---|
| Reports for consultation with Stakeholders | Shared Service Lead –<br>Legal & Deputy<br>Monitoring Officer |

|                              |    |
|------------------------------|----|
| Is this report confidential? | No |
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### PURPOSE OF THE REPORT

1. To make the decision to adopt the National Register of Hackney and Private Hire Vehicles (PHV) Revocations and Refusals Register.

### RECOMMENDATIONS

2. To note the contents of the report
3. To consider the proposal to adopt the use of the National Register of Hackney and Private Hire Vehicles (PHV) Revocations And Refusals Register to the current South Ribble Borough Council Taxi Licensing Policy.
4. To agree that the licensing section undertake a consultation exercise with stakeholders on the proposed adoption of the NAFN register.
5. To agree to receive a report on the outcome of the consultation exercise at a future meeting.

### CORPORATE OUTCOMES

6. The report relates to the following corporate priorities:

|   |   |
|---|---|
| Excellence, Investment and Financial Sustainability |   |
| Health, Wellbeing and Safety                        | X |
| Place, Homes and Environment                        |   |

Projects relating to People in the Corporate Plan:

|                            |   |
|----------------------------|---|
| Our People and Communities | X |
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## **BACKGROUND TO THE REPORT**

7. Currently new applicants applying to the Licensing Authority for a Hackney Carriage Drivers Licence or Private Hire Drivers Licence must advise the council if they have been refused a licence or had a licence revoked by any other local authority.

Currently, if drivers do not disclose this information about a previous revocation or refusal of a licence, there is often no way for the licensing authority to find this information out.

This means that vital intelligence about an applicant's past behavior is being missed and an individual might be able to get a new licence in another area, despite having their licence taken away elsewhere. Similarly, there is the potential for a person who has been refused/revoked a licence by this Authority, to obtain a licence elsewhere.

## **PROPOSALS (e.g. RATIONALE, DETAIL, FINANCIAL, PROCUREMENT)**

8. The Local Government Association (LGA) commissioned the National Anti-Fraud Network (NAFN) to develop and host a register called the NR3 to record all drivers who have either been refused a licence or had their licence revoked.

To access the register, authorities are required to be members of NAFN. This authority is already a member of NAFN, and therefore there will no additional costs.

NAFN is a shared service, which supports public authorities to tackle fraud and share intelligence. NAFN worked with the LGA and a user group comprised of licensing officers from several local authorities to develop the register.

Licensing authorities are responsible for adding basic details of drivers who have had applications for a licence either refused or revoked. All applications received by the authority that are either refused or licences that have been revoked will have details entered onto the NAFN register.

It is a requirement of NAFN to adopt the use of the NAFN register to the taxi licensing policy of each individual authority which chooses to use the register. Members are referred to Appendix 1 which is the LGA Guidance on adopting the NR3 Register.

As part of the online application either face to face via the council's gateway department or through the online self-serve option, the applicant will be informed that the Council will check the NR3 register for their details to confirm that there is no record of them being refused or revoked elsewhere. For Data Protection purposes, it is necessary for the performance of a task carried out in the public interest. Application forms will be updated to reflect this change.

The proposal is to update the Taxi Licensing policy to include NR3 checks as a mandatory requirement.

The proposed Policy wording is as follows and has been taken from the LGA guidance document attached to this report and can be found as Annex A.

*"The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to*

*share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused.*

*This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence*

*Therefore:*

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.*
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.*

*The information recorded on NR3 itself will be limited to:*

- name*
- date of birth*
- address and contact details*
- national insurance number*
- driving licence number*
- decision taken*
- date of decision*
- date decision effective*

*Information will be retained on NR3 for a period of 25 years.*

*This is a mandatory part of new and renewal applications for a hackney carriage / PHV driver licence being granted.*

*The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at [www.southribble.gov.uk](http://www.southribble.gov.uk).*

*Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.*

*If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [info@southribble.gov.uk](mailto:info@southribble.gov.uk). This includes submitting a subject access request.*

*You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>*

Details contained on the register is limited to information that will help to identify an individual. The register does not give reasoning to why the refusals or revocation have taken place, it would then be up to officers to make enquiries with the authorities when the revocations or refusals have taken place.

Searches will only be made by officers who have been trained in the use of the NR3 and who are acting in accordance with this policy.

Any information received as a result of an NR3 search will only be used in respect of the specific licence application. A specific policy will be formulated dealing with the disclosure of information and the approach to be taken to share, receive and use information of data from the register. A suggested template policy can be found within Appendix 1 at Annex D. A separate

New applicants will be notified of the Register by making changes to the application/online form. Existing drivers will be notified in writing. A suggested template can be found at Annex B of Appendix 1.

It is intended that the NR3 will be populated with historic data of licences revoked or refused in the last 6 years. Former licence holders or applicants whose licence has been refused will be informed prior to adding their information on the Register. A template letter can be found at Annex C of Appendix 1.

Members will be updated once we receive feedback from the Consultation process.

In respect of an update on the proposed amendments to the tinted windows policy and modified vehicles policy consultation, members had previously agreed to consult with stakeholders. Consultations did take place, however upon reflection the consultations could have been clearer, and therefore stakeholders will be re-consulted.

Members will be updated once we received feedback from the trade in respect of the revised consultations.

## COMMENTS OF THE STATUTORY FINANCE OFFICER

9. The membership fees for NAFN is already funded within the council's revenue budgets. There are no other financial implications. There are no financial implications.

## COMMENTS OF THE MONITORING OFFICER

The legal implications have been identified in the body of the report. Should the NAFN register be adopted it will require Full Council approval. As the register will involve the processing of personal data, GDPR and Data Protection Act 2018 principles will need to be followed.

## OTHER IMPLICATIONS:

|   |   |
|---|---|
| <p>► <b>Risk</b></p> <p>► <b>Equality &amp; Diversity</b></p> | <p>Without the adoption of the NAFN register, there is limited ways for officers to find out if an applicant has been previously refused or revoked by another authority.</p> <p>There are no equality or diversity issues arising.</p> |
|---|---|

*Add any other implications which you consider particularly relevant*

***All inapplicable risks should be deleted before submission. Do not include 'N/A'.***

## **BACKGROUND DOCUMENTS**

There are no background papers to this report

## **APPENDICES (or There are no appendices to this report)**

Appendix 1 LGA Guidance on adopting the National Register of Taxi Licence

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|-------------------------------|-----------------|------------|
| Report Author:                | Telephone:      | Date:      |
| Chris Ward, Licensing Officer | 01772<br>625330 | 02/03/2020 |