

REPORT TO	ON
COUNCIL	27 TH January 2021



TITLE	REPORT OF
National Register of hackney and private hire licences	Shared Services Lead – Legal and Deputy Monitoring Officer

Is this report confidential?	No
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PURPOSE OF THE REPORT

1. Considering the outcome of the consultation exercise undertaken throughout September and October 2020 (summarised in section 25 below) and the approval by the Licensing & Public Safety Committee, this report invites members of the Council to formally adopt the new proposed National register of hackney and private hire licences.

RECOMMENDATIONS

2. Members are requested to note the contents of the report.
3. Members are requested to formally adopt the agreed proposal following the approval by the Licensing and Public Safety Committee on the 8th December 2020.

REASONS FOR RECOMMENDATIONS

4. 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.
5. 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.
6. 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.
7. 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.

OTHER OPTIONS CONSIDERED AND REJECTED

8. The options available are;

8.1 Keep the policy as it is and make no changes

8.2 Agree to adopt the National Register of hackney and private hire licences .

CORPORATE OUTCOMES

9. The report relates to the following corporate priorities:

An exemplary council	x	Thriving communities	
A fair local economy that works for everyone		Good homes, green spaces, healthy places	

BACKGROUND TO THE REPORT

10. On 10th March 2020, members of the Licensing & Public Safety Committee received a report from officers highlighting that 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.
11. Member of the committee were advised that 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.
12. 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, 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.
13. Members were advised that 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.
14. 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.
15. Members were advised at the meeting that 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 within the original report, which is attached to this report as background document 1 for the LGA Guidance on adopting the NR3 Register.
16. At the meeting on the 10th March 2020 Officers proposed to update the Taxi Licensing policy to include NR3 checks as a mandatory requirement.

17. Members received the report positively and agreed that the register had been needed for some time. Members agreed that the adoption of the new policy, should be subject to a consultation exercise, and results presented at a further meeting.
18. On 8th December 2020, members of the Licensing and Public Safety Committee received Feedback from the consultation exercise that took place between 21st September 2020 – 2nd November 2020. Details of that report can be found attached as background document 2.
19. Members were supportive of the proposed changes put forward noting the reassurances having access to this information would provide the Licensing Team in processing applications.
20. In response to a member enquiry about any liability the Council may have around incorrect entries to the register the Council's legal representative added that as the information included are only basic details which would have been taken from the driver's application form the risk of this is minimised- however the issue of liability would be dependent upon the circumstances.
21. The Licensing Officer advised the committee following further member enquiries, that applicants that have been refused a license are notified with the reasons by the Licensing Team but where an addition to the register has been added to by a different Local Authority the driver would need to contact that Authority for further details on why their application was refused.

PROPOSALS

22. The proposal is to update the Taxi Licensing policy to include NR3 checks as a mandatory requirement.
23. 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.

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. 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/>

24. Members of the Council are invited to consider the feedback given from the two previous Licensing and Public Safety Committee's and the consultation exercise shown below in part 25 of this report, members are asked to take the decision to formally adopt the proposed National register of hackney and private hire licences (NR3)..

CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

25. Feedback from the consultation exercise 21st September 2020 – 2nd November 2020 was positive.

- Advisory letters were sent to all drivers and operators.
- Paper feedback forms were provided to every licenced driver, vehicle proprietor and licenced operator.

The following responses summarised below have been received following the consultation exercise.

Question	Yes	No	Unsure
Do you agree the licensing authority should use the NAFN register to check details of all new and renewal applications for a hackney/private Hire	38	0	1

<i>Drivers Licence, to see if they have ever had a licence refused or revoked by another authority?</i>			
Do you agree to all current licenced drivers that have either been refused or revoked by this authority to have details entered onto the NAFN register?	38	0	1
In general, do you agree to the council to formally adopt the use of the NAFN register for the two uses identifies in the previous two questions?	37	0	2

EQUALITY AND DIVERSITY

26. None

AIR QUALITY IMPLICATIONS

27. None

COMMENTS OF THE STATUTORY FINANCE OFFICER

28. There are no financial implications as a result of this proposal.

COMMENTS OF THE MONITORING OFFICER

29. The legal implications have been set out in the background reports. If the Council choose to adopt the National Register of hackney and private hire licences (NR3), then this will require formal approval by Full Council.

BACKGROUND DOCUMENTS

Background Document 1 – Report to Licensing and Public Safety Committee 10/03/2020, is accessible using the below link and can be found at agenda item 48

<https://southribble.moderngov.co.uk/ieListDocuments.aspx?CId=483&MId=1605>

Background Document 2 – Report to Licensing and Public Safety Committee 08/12/2020, is accessible using the below link and can be found at agenda item 56.

<https://southribbleintranet.moderngov.co.uk/ieListDocuments.aspx?CId=483&MId=1795&Ver=4>

APPENDICES

Appendix 1 - Full Consultation Document - is accessible using the below link

<https://www.southribble.gov.uk/sites/default/files/All%20Consultations.pdf>

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