

Report to: Licensing and Enforcement Committee



Date of Meeting 23 February 2022

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Exemption applied: None

Review date for release N/A

Committee Update - Taxis & Private Hire Licensing

Report summary:

The Licensing and Enforcement Committee is asked to consider proposed introduction and use of a national register introduced by the LGA and the Department of Transport (DoT).

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Committee consider the contents of this report and approves the implementation and use of the Taxi and Private Hire National Revocation Register (NR3) by East Devon District Council.

Reason for recommendation:

To enable the licensing authority to share details of individuals who have had a licence revoked or an application refused, NR3 being a nationally available means for councils to record and securely share details of revocations and refusals of these licences where the need is appropriate.

Officer: Steve Saunders, Licensing Manager (Governance and Licensing)

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Report in full

1 Background

- 1.1 The National Register of Taxi Licence Refusals and Revocations (NR3) aims to prevent drivers who have had a Taxi or Private Hire licence revoked or an application refused, from applying to another authority to dishonestly obtain a licence by failing to disclose their previous licensing history. NR3 enables authorities to share details of individuals who have had a licence revoked or an application refused and is currently the only available means for councils to record revocations and refusals of these licences. This development provides a valuable, secure source of information to check new applicants when applying in this district.
- 1.2 All licensing authorities are being urged to sign up to NR3 so that when officers deal with an application or renewal for drivers, a check of the database can be completed for any previous refusal or revoked licence in other areas. Licensing authorities will also check the register when they undertake licence renewals to confirm any historic information that may have been added in respect of their licensees who may have been revoked in another area. Once signed up to the register, licensing authorities need to check the register at an early stage for each application received so that the authority can process them with the knowledge of any previous history, if the applicant has one.
- 1.3 The LGA commissioned the National Anti-Fraud Network (NAFN) to develop and host the register. NAFN is a shared service, hosted by Tameside council, which supports public authorities to tackle fraud and share intelligence. NAFN worked with the LGA and a user group comprised of licensing officers from a number of local authorities to develop the NR3 register. This council is signed up a member of NAFN with the necessary protocols in place, being a requirement to be able to access and share information on the NR3 register.

2 Accessing the NR3 Register

- 2.1 A named officer has been granted access to the NR3 element of NAFN as a single point of contact (SPOC). Other user accounts to submit data or to search the register can be added in due course. Should an applicant's details be flagged on NR3 during a search this will be followed up and licensing authorities will still be required to consider each application on its own merits. The introduction of NR3 will help ensure that they are able to do so on the basis of all relevant information being obtained to allow a fully considered decision.
- 2.2 The objective is to ensure that authorities are able to take properly informed decisions on whether each applicant is fit and proper which will be achieved by being able to check whether an individual has had a licence refused or revoked. That does not mean that an applicant who has been refused a licence on one occasion will always be refused and it will be necessary to consider a previous refusal or revocation, and the reasons for that decision. If circumstances have materially changed since the decision that has been recorded on NR3, it may be appropriate for another authority to award a licence.
- 2.3 Where an applicant fails to volunteer information that has been clearly requested or provides a false declaration which is subsequently identified through NR3, this may in itself raise questions about the applicant's integrity and status as a fit and proper person. Suspensions of licences will not be recorded on NR3. This is because suspension should be used to

address a short-term situation, often concerning driving or medical related issues that are of such immediate importance that suspension is necessary to ensure public protection.

- 2.4 Applicants must be informed of the existence of the NR3 register and that it will be checked when they apply for a licence. They must also be informed that their personal data will be placed on the register if at any time their licence is revoked or renewal is refused. The only additional Personal Data that will be collected to that already required from Taxi and Private Hire licensees will be the applicant's National Insurance number.

3 Historic Data

- 3.1 In addition to this authority signing up and commencing checks of NR3, officers will commence the work to populate the register with the historic data of previous licence revocations and refusals in this district. This will help inform other authorities that conduct searches and before any historic data is added, authorities must notify those individuals in writing. Historic information on refusals and revocations of licences will be added to the register in accordance with data protection and will be held on NR3 for 25 years.
- 3.2 Transferring details of the relevant data that is to be held on the database will be in line with the council's current retention policy to hold such data. Applicants that have been refused or licence holders that have seen their licence revoked in the last 6 years will be notified in writing about our use of the register. Those persons refused or revoked within the past 6 years will have limited personal data published on the NR3 register and that information will not be published on NR3 until after all available appeal routes have expired.

4 Impact on Licensing Service

- 4.1. There will be additional workload to Licensing Officers from use of this register to check applicants. Officers have been engaged in the necessary work to deliver the implementation for accessing and checking the register which has required changes to applications forms, to the licensing database, revising privacy notices and updating web pages. Work will be necessary by notifying applicants and existing licensees that the authority has signed up to the register and that if their licence is subsequently revoked, that details will be recorded on the system.
- 4.2 The introduction and use of this register is considered as being in the public interest to protect the public. The DoT has written to licensing authorities and Council leaders emphasising the requirement to sign up and detailing that by not sharing relevant information risks facilitating the few dishonest individuals who fail to disclose any previous licensing history. The DoT has urged authorities that have not signed up to use NR3 to do so as soon as possible because the effectiveness of the database depends on all licensing authorities using it.
- 4.3 That approach is now being mandated under a private members bill currently in the late stages as the [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Bill](#) progressing through the House of Lords.
- 4.4 The introduction of the NR3 register will further increase consistency when considering standards for the fit and proper test. Officers continue with the separate, ongoing work to revise the Councils Taxi and Private Hire Vehicle Policy for Members to fully consider at a future meeting of this Committee this year. The policy has raised standards, brought consistency and guides applicants and decision makers.
- 4.5 There are no financial costs for implementing sign-on other than the officer time in preparing readiness, and by conducting the checks of all applicants and by notifying those concerned.

5 Recommendation

- 5.1 Members are asked to consider this report and to approve signing up to, and the use of the NR3 register through the National Anti-Fraud Network (NAFN). Implementation and use of NR3 for completing checks is proposed to commence from April.
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Financial implications:

Potential sanctions from Government if the licensing authority does not comply the duties as set out within the Taxi and Private Hire Vehicles Bill.

Legal implications:

The legislative framework is set out within the report. There are potential sanctions from Government if this Council does not sign-up to the NR3 Register.