



## LICENSING COMMITTEE

Monday, 20 July 2020

### ADOPTION OF THE NATIONAL REGISTER OF TAXI AND PRIVATE HIRE LICENCE REVOCATIONS AND REFUSALS (NR3)

#### EXECUTIVE SUMMARY

To seek approval to sign up to the National Register of Taxi and Private Hire Licence Revocations and Refusals (known as NR3).

Is the report Open or Exempt?	Open
Wards Affected:	All
Cabinet Member:	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
Supporting Officer:	Chris Bing Legal and Licensing Services Manager 01394 444408 <a href="mailto:chris.bing@eastsuffolk.gov.uk">chris.bing@eastsuffolk.gov.uk</a>

## **1 INTRODUCTION**

- 1.1 When considering applications for hackney carriage and private hire vehicle driver's licences, the Council must be satisfied that the applicant is a fit and proper person to be granted a licence. The term 'fit and proper' is not further defined in legislation and the Council's discretion is wide ranging.
- 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 BACKGROUND AND INFORMATION**

- 2.1 All applicants for taxi and private hire licences are asked, on the application form, if they have ever had a licence application refused or revoked by a 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 information. However, if an applicant states "no", there is no way to check this information is correct. Therefore, there is the potential for an applicant to have had a licence application refused or a licence revoked by another local authority to obtain a licence elsewhere.
- 2.2 Similarly, there is the potential for a person who had their licence revoked/refused by East Suffolk Council to obtain a licence in another local authority area.
- 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.
- 2.4 Guidance on adopting the NR3 Register produced by the LGA and NAFN is attached at **Appendix A**. The guidance stipulates the procedure would need to follow in order to provide data for the NR3 Register and for the Council to access data.
- 2.5 If the Committee is minded to adopt the 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. Where there are doubts as to an applicant's suitability to be granted a licence, the applicant will be referred to a Licensing Sub Committee for it to determine if the applicant is fit and proper to be granted a licence.
- 2.6 Section 4.1 of the Guidance 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, therefore there will be no additional cost associated with this.
- 2.7 Section 4.3 of the Guidance refers to historic data migration and refers to data being retained for 25 years on the register. The Council only holds data for the previous 6 years, which relates to 8 individuals and it will be necessary to write to each of these and advise them that their information will be uploaded to the 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.

- 2.8 New applicants will be made aware of the register by changes to the form/online application which will inform applicants of the 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 register when they come to renew their licence, via changes to application forms. Information will also be available on the Council's website.
- 2.9 Section 5.3 of the Guidance 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 register. A suggested template policy is attached at Annex D to the Guidance. A separate record will be made of all requests for information.
- 2.10 The Committee is requested to consider the adoption of the National Register for Taxi Licence Revocations and Refusals together with the Guidance produced by the LGA and NAFN.

### **3 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?**

- 3.1 Licensing plays an important role in the building of a strong, sustainable, and dynamic local economy and in ensuring East Suffolk remains a safe place for our communities.

### **4 CONSULTATION**

- 4.1 There has been no consultation with holders of private hire and hackney carriage driver's licences. Any individuals whose details will be submitted to the register will be notified.

### **5 REASON FOR RECOMMENDATION**

- 5.1 The licensing authority is responsible for ensuring that only fit and proper persons who are suitable to be licensed drivers are granted licences and remain licensed. Were this authority not to adopt the proposed policy and use NR3, it may licence individuals who have failed to disclose information about having had a previous licence refused or revoked by another local authority as there is no other means of checking this licence history.

#### **RECOMMENDATIONS**

That the Committee approve the adoption of the National Register of Taxi Licence Revocations and Refusals (NR3) and the Guidance produced by the LGA and NAFN.

#### **APPENDICES**

<b>Appendix A</b>	Guidance on adopting the NR3 Register produced by the LGA and NAFN
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#### **BACKGROUND PAPERS - None**