

NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS AND REFUSALS

Report of the Corporate Director for Place and Regeneration

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 Members are asked to consider the information in the report and associated appendices with a view to approving the recommendations set out in paragraph 5.1, to enable the adoption and utilisation of the National Register of Taxi licence Revocations and Refusals (commonly referred to as NR3).

2. INFORMATION

- 2.1 The Council is responsible for licensing hackney carriage and private hire drivers. In determining such applications the legal test is that the Council must be satisfied that the applicant is a “fit and proper” person to be granted a licence. There is no precise definition as to what constitutes “fit and proper” and the Council’s discretion is wide ranging.
- 2.2 In assessing an application for a private hire/hackney carriage driver licence, the Council currently requires successful completion of the following - driver knowledge test, medical, DBS checks carried out at appropriate timescales, and checks of DVLA driving licence for penalty points
- 2.3 All applicants are required to declare on the application form if they have ever had a licence application refused or revoked by a local authority. If they indicate yes, then further investigations are undertaken with the relevant local authority. If an applicant indicates that they have never had an application/licence refused or revoked, the Council currently has no means to check the accuracy of that statement. There is the potential for an applicant to have had a licence application refused or a licence revoked without the knowledge of Stockport Council, and whilst it is reasonable to assume that an enhanced DBS will detail relevant convictions, an enhanced DBS will not necessarily provide details of customer complaints made against a person who held a licence in another Local Authority area.
- 2.4 The situation described in paragraph 2.3 above can be reversed, in that a licence driver whose licence has been revoked by Stockport Council due to complaints/conduct issues may choose not to disclose this on any subsequent application made to another Local Authority.
- 2.5 In recent years there have been high profile cases where the conduct of licensed drivers has been unacceptable and has resulted in a revocation of licence. By one means or another, those individuals have obtained licences elsewhere and have been allowed to continue to operate within the industry. This has undermined public confidence in the taxi/ private hire industry and left some licensing authorities open to criticism for something which has been very difficult to control.

3. BACKGROUND

- 3.1 The Local Government Association (LGA) commissioned NAFN to launch a national register of taxi and private hire licence refusals and revocations (NR3). The register allows Councils to record details of where hackney carriage or private hire driver licences have been refused or revoked and to check new applicants against the register. Whilst the LGA and the Institute of Licensing have encouraged local authorities to adopt the register, it is currently a voluntary adoption.
- 3.2 NAFN is a local authority owned, not-for-profit organisation and is hosted by Tameside Council. To utilise the register, local authorities are required to be members. Stockport Council is already a member of NAFN.
- 3.3 In September 2018, a Department for Transport Ministerial Task and Finish Group published a report with 34 recommendations regarding steps towards a safe and more robust taxi licensing system. Included as recommendation 23 is the use of the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked hackney carriage/ private hire driver licences.
- 3.4 In 2019 the Government (DfT) published its response to the Task and Finish Group report. Within the summary of that response is the following statement - "the Government accepts the three key measures recommended to achieve a safe service for passengers" – one of these was a national Licensing database.
- 3.5 In 2020 the Government (DfT) produced Statutory Taxi and Private Hire Vehicle Standards, the standards make a wide range of recommendations which also form part of Stage 1 of the Minimum Licensing Standards. Included within the DfT standards at paragraph 4.21 is the following recommendation
"tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants"
- 3.6 If the Council chooses to adopt the NR3 register it will involve the Council providing information for the database on revoked or refused driver licensees/applicants. In addition the Council will respond to data requests on named individuals in the event of that individual applying to another local authority for a hackney carriage/private hire driver licence. The database will record that a licence has been refused or revoked but will not provide the reasons or the background for the decision. Such information will only be considered as a result of a formal data access request.
- 3.7 The operation of the database needs to be effectively controlled to ensure data is handled fairly, sensitively and in accordance with all data protection requirements. As such if the decision of the Committee is to adopt use of the register, data sharing and data processing protocols will be signed and in place before commencement of use of NR3.
- 3.8 Attached to the report at **Appendix 3** is a copy of the LGA guidance on adopting the National register of Taxi Licence Revocations and Refusals (NR3)
- 3.9 With particular reference to the guidance (**Appendix 3**):

- Section 4.1 of the guidance refers to membership of NAFN and the need to sign up to data processing agreements with NAFN. The Council is already a member of NAFN and there are no additional costs payable to NAFN for use of the NR3.
- Section 4.3 of the Guidance refers to historic data migration and refers to data being retained for 25 years on the NR3 register. It is officers suggestion that the Council does not migrate historical data, due to potential data management issues. In particular if the Council intended to include historical data on the register it would have to write to each individual who has been refused or revoked during the relevant historical period and advise them that their information will be uploaded to the register and the reasons for this. Any individual may request that their information is not uploaded and any requests of this nature will have to be fully considered before a final decision is made. In addition its unclear how the Council would be able to satisfy itself that the correspondence had reached the individuals concerned, may of whom may have moved addresses.
- Section 5.3 of the Guidance refers to the disclosure of information relating to refusals and 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 data from the register. The Guidance provides a template policy which has been utilised to form the basis of Stockports draft policy attached at **Appendix 1** of this report.

3.10 If the view of the Council is to adopt the register, licensing officers will work with colleagues in Information Governance to agree the data processing agreements.

3.11 Discussions have taken place within the Greater Manchester combined authority and an agreement that all Greater Manchester Licensing Authorities should adopt the use of the NR3 register. It's also recommended in the DfT statutory guidance that NR3 be used as a tool to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.

3.12 If the NR3 register is adopted, the driver application documentation will be amended to ensure that all new applicants and existing licence holders will be advised at the application/ renewal stage of the intention to utilise NR3 register and records.

4 OPTIONS

4.1 That officers recommendations in Paragraph 5 of this report are adopted for the following reasons:

- Supports the recommendation in the Ministerial Task and Finish Group report;
- Provides enhanced opportunity for public safety;
- Provides an enhanced measure for assessing the "fit and proper" standard;
- Provides information to other local authorities to enhance their decision making;
- Provides support for the national Licensing database; and
- Is in line with the view of the Greater Manchester Combined Authority

4.2 Risks in relation to not adopting the NR3 register are:

- The ongoing potential risk for an applicant who has previously had a licence revoked or refused by another local authority to be granted a licence by Stockport Council; and
- The ongoing potential risk for a person who has had their driver's licence revoked or refused by Stockport Council to be granted a licence by another local authority remains.

5 RECOMMENDATIONS

5.1 That the Committee considers the report and appendices and determines to;

(i) adopt and utilise the National Register of Taxi Licence Revocations and Refusals (NR3)

(ii) to approve the Council Policy attached at **Appendix 1** Hackney Carriage and Private Hire driver Licensing Policy on the use of the National Register of Taxi Licence Revocations and Refusals

(iii) to approve the amendments to the Councils Statement of Policy and Guidelines Relating to the Relevance of Convictions Formal/ simple Caution, Complaints and other matters which may impact on the Granting of a Licence attached at **Appendix 2**

(iv) to approve the implementation in respect of the above, to follow immediately upon the sign off of the data processing and data sharing agreement regarding the National Register of Taxi Licence Revocations and Refusals (NR3).

BACKGROUND PAPERS

Appendix 1 – Proposed draft Stockport Council NR3 policy

Appendix 2 – Amended Convictions Policy to reflect sign-up to NR3

Appendix 3 – LGA guidance for adopting NR3

Anyone requiring further information should contact Sarah Tooth email sarah.tooth@stockport.gov.uk