

Appendix 1



Hackney Carriage and Private Hire Driver Licensing

Policy on the use of the National Register of Taxi Licence Revocations and Refusals (the NR3 database)

1. Introduction and scope

This policy details how Stockport Council will utilise the “National register of Taxi Revocations and Refusals” in respect of applications for, and existing holders of Hackney Carriage and Private Hire drivers licences. Any use of the term “taxi” is a generic term used to describe both types of licences.

In terms of public safety, it is important that Licensing Authorities have a mechanism for identifying whether an applicant has had a licence refused or revoked in another local authority area. Similarly for the same public safety reasons it is important that Stockport Council provides preliminarily information on the register of those applicants or licensed drivers who have had applications refused or existing licences revoked.

This policy only applies to existing hackney carriage and private hire drivers and applicants. It does not apply to vehicle licence holders or private hire operators.

The NR3 database has been created to facilitate and control the legitimate sharing of refusal/revocation information between licensing authorities with a view to strengthening checks in respect of public safety.

In this policy, the ‘first authority’ refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the ‘second authority’ refers to a licensing authority which is seeking more detailed information about the entry.

2. Overarching principles

This policy covers the use that Stockport Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers’ licence. This information is important in the context of a subsequent application to another authority for a driver licence by a person who has had their licence refused or revoked in the past.

Stockport Council has signed up to the NR3. This means that when an application for a taxi driver licence is refused, or when an existing taxi driver licence is revoked, an authorised officer will provide the relevant information to be placed upon the register.

When an application for a new driver licence, or renewal of an existing driver licence is received, an authorised officer of Stockport Council will conduct a search of the NR3 database. The search will only be made by an officer who has been trained in the use of NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

The decision will be held securely in accordance with Stockport Council’s general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with this authority’s general policy on the erasure and destruction of personal data which is 7 years following the cessation of the licence.

3. Adding details of a driver application refusal or a revocation of a driver licence

Where an application for a taxi driver licence is refused or an existing taxi driver licence is revoked, Stockport Council will record the decision on the NR3 database. The information recorded on NR3 will be limited to the following:

- Name
- Date of birth
- Address and contact details
- National insurance number
- Driver licence number
- Decision taken (i.e. revocation or refusal)
- Date of decision, and
- Date decision became effective (in the case of a standard revocation)

The data will be held on the NR3 register for a period of 25 years in line with national NR3 guidance

4. Making a request for further information regarding an entry on NR3¹

When an application is made to Stockport Council for the grant of a new, or renewal of, a taxi driver licence, Stockport Council will check the NR3 register for any relevant entries.

Stockport Council will make and then retain a clear written record of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

If following a search Stockport Council discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of Stockport Council's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the form at Appendix 1 of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

5. Responding to a request made for further information regarding an entry on NR3

When Stockport Council receives a request for further information from another authority, a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

Stockport Council will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

Stockport Council will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If Stockport Council is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but Stockport Council (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

Stockport Council will disclose information relating to a revocation or refusal to grant a taxi driver licence in accordance with the timescales contained within the Institute of Licensing "*Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades*" and current statutory DfT statutory guidance . Where the reason for the refusal to grant or revocation relates to a conviction (or similar as defined in the IoL guidance) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IoL guidance) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and the reasons for it. Stockport Council will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made), and
- how and when the decision (and any information) was communicated to the requesting authority.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

6. Using any information obtained as a result of a request to another authority

When Stockport Council receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications.

Stockport Council will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority Stockport Council will make in relation to the application.