

TRAFFORD COUNCIL

Report to: PUBLIC PROTECTION SUB-COMMITTEE
Date: 17th June 2021
Report for: Decision
Report of: THE HEAD OF REGULATORY SERVICES

TITLE THE NATIONAL REGISTER OF TAXI LICENCE REFUSALS AND REVOCATIONS (NR3)

SUMMARY

The sub-committee is being asked to agree the adoption of a policy in respect of Trafford Council's use of NR3. NR3 is a national register which provides a mechanism for licensing authorities to share details of individuals who have had a taxi licence revoked or refused. It is proposed that all new driver and renewal applications in Trafford will be checked against this register and that our historical data on refusals and revocations will be provided to the NR3. The policy explains how the Licensing Team will use the NR3 and how sensitive information will be managed.

RECOMMENDATIONS

The Sub-Committee is asked to consider the report and to:

1. Agree to adopt the use of the National Register of Taxi Licence Refusals and Revocations (NR3) as part of Trafford Council's taxi licensing regime and;
2. Delegate Authority to the Licensing Team Leader and the Regulatory Services Manager (Trading Standards and Licensing) to determine whether historic data will be uploaded to the NR3 register as outlined in paragraph 2.4 of the report.

Head of Regulatory Services - Nigel Smith

Further information from:
Joanne Boyle
Licensing Team Leader

1. BACKGROUND

- 1.1 The Council has a statutory role to determine whether a hackney carriage or Private Hire driver is a “fit and proper” person for that role. There are no prescribed rules for the “fit and proper” persons test and the Council has a wide discretion in this regard.
- 1.2 Before first granting a hackney carriage or private hire drivers licence the Council has a number of requirements of applicants.
 - They must pass a Knowledge Test
 - Attendance at an Induction Course which includes Safeguarding Training
 - Proof of right to work in the UK
 - Production of satisfactory medical certification
 - Evidence of competence in English
 - An enhanced check with the Disclosure and Barring Service (DBS)
- 1.3 Currently all applicants are required to answer a question on the application form which asks if they have ever had an application refused or a taxi licence revoked by another licensing authority. If they indicate yes the Council is then able to carry out the relevant enquiries of the other licensing authority. If the applicant gives a negative response to this question the Council has no mechanism for checking this. Whilst it is true that relevant criminal convictions should be revealed by the DBS check there are a range of circumstances which could properly lead to the refusal or revocation of a licence that would not result in a conviction. The NR3 Register has been created to address this gap, i.e. to facilitate and control the legitimate sharing of refusal/revocation information between Licensing Authorities.
- 1.4 NR3 was borne out of widespread acceptance that the lack of a national mechanism for pro-active sharing of refusal/revocation data was a flaw in the current regulation of the taxi industry. In its 2018 report the Department of Transport Ministerial Task and Finish Group published a wide range of recommendations for a safer and more robust taxi licensing regime. Recommendation 24 states –

“As a matter of urgency the Government must establish a mandatory national database of all licensed taxi and private hire drivers and operators to support stronger enforcement”

This recommendation was accepted by the Government in its response to the report. More recently the Government has updated their Statutory Guidance for Licensing Authorities and this guidance cited the NR3 Register as a recommended path to follow.

- 1.5 Adoption and use of the NR3 Register has also been identified as a priority objective of the on-going work across Greater Manchester in securing Minimum Licensing Standards for the regulation of taxi licensing throughout Greater Manchester.

2. THE KEY ISSUES

- 2.1 The NR3 Register has been created and is hosted by the National Anti-Fraud Network (NAFN). NAFN is a long established not for profit organisation, owned by Local Authorities and hosted by Tameside Council. Trafford Council are members and officers within the Council’s Licensing Team are designated contacts.

- 2.2 Data Protection considerations have been a major element in the development of the register. An important protection built into the register is that it will not, itself, hold any of the detailed information in relation to the circumstances around why a particular licence has been refused or revoked. The register will only record that a licence has been refused or revoked and will not provide the reasons or the circumstances that led to that decision. That detail will only be obtained by the enquiring authority submitting a formal data access request to the relevant local authority. This affords assurance that sensitive information is only going to be shared when necessary for the performance of regulatory functions. The Information Governance Team has been consulted on this report and the attached policy.
- 2.3 Attached as Appendix 1 to this report is the Trafford Council Proposed Policy document on NR3. It details how the Council's use of the register would operate, if adopted. In addition to outlining the overarching principles it details when the Council would use the register, what information would be submitted to and requested from the register, who would be able to use the register, and what use the Council would make of information supplied by the register and how historical data relating to refusals and revocations will be managed.
- 2.4 Should the use of NR3 be adopted the Council's Licensing Team will complete a data migration exercise. This will involve populating the register with historic data in relation to refusal/revocation decisions taken by the Council in the past. At this stage that will involve migrating relevant data from the last five years, including writing to the relevant persons and informing them that the decision in respect of their refusal/revocation will be uploaded to the register and the reasons for doing this. Any such person may request that their information is not uploaded and if they do, any justification put forward will need to be fully considered before a final decision is made. Delegated authority is hereby sought for the final decision in such cases to be made by the Licensing Team Leader or the Regulatory Services Manager (Trading Standards and Licensing).
- 2.5 Should use of NR3 be adopted the Council's licence application and renewals processes will be adapted so as to make applicants and drivers aware of the Council's use of the NR3 Register and the reasons for it. Similarly future decisions of the Council to refuse or revoke a licence will contain, within the written decision, reference to the use of the NR3 to record relevant outcomes and the implications of this.

3. OPTIONS

Option 1

To adopt the policy on the use of the NR3 Register as part of the Council's regular taxi licensing process and Delegate Authority to the Licensing Team Leader and the Regulatory Services Manager (Trading Standards and Licensing) to determine whether historic data will be uploaded to the NR3 register as outlined in paragraph 2.4 of the report. This will contribute towards better decision making around determinations by this and other councils in relation to whether an applicant/driver is a 'fit and proper' person to drive a taxi.

Option 2

To not adopt use of the NR3 and to leave the taxi application process as it is i.e. Without a mechanism of acquiring/sharing relevant information as to whether an applicant/driver has had a licence refuse or revoked. As use of the NR3 register expands nationally it is possible that those decreasing number of Councils known not

to use it may become a more attractive target for applicants with a blemished record.

Attached to this report:

Appendix 1. Copy of Trafford Council Policy on the use of The National Register of Taxi Licence Refusals and Revocations (NR3)

Appendix 2. Data Protection Impact Assessment