



AGENDA PAPERS FOR PUBLIC PROTECTION SUB-COMMITTEE

Date: Thursday, 17 June 2021

Time: 6.30 pm

Place: Trafford Town Hall, Talbot Road, Stretford, Manchester, M32 0TH

Covid secure rules (please see <https://www.gov.uk/guidance/covid-19-coronavirus-restrictions-what-you-can-and-cannot-do>) including social distancing requirements, apply at Trafford Town Hall. Public attendance at meetings is limited. If you are a member of the public and wish to attend this meeting, please contact natalie.owen@trafford.gov.uk.

A G E N D A

PART I

Pages

1. ATTENDANCES

To note attendances, including Officers and any apologies for absence.

2. QUESTIONS FROM MEMBERS OF THE PUBLIC

A maximum of 15 minutes will be allocated to public questions submitted in writing to Democratic Services (democratic.services@trafford.gov.uk) by 4pm on the working day prior to the meeting. Questions must be within the remit of the Sub-Committee or be relevant to items appearing on the agenda and will be submitted in the order in which they were received.

3. MEMBERSHIP OF PUBLIC PROTECTION SUB-COMMITTEE AND TERMS OF REFERENCE

To note the membership, including Chair, Vice-Chair and Opposition Spokesperson of the Public Protection Sub-Committee for the Municipal Year 2021/2022 and the terms of reference for the Public Protection Sub-Committee.

4. MINUTES

To receive and if so determined, to approve as a correct record the Minutes of the meeting held on 15th April 2021. 5 - 6

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

To consider a report of the Head of Regulatory Services. 7 - 30

6. MINIMUM LICENSING STANDARDS - CONSULTATION FINDINGS

To receive a verbal report from the Licensing Team Leader.

7. URGENT BUSINESS (IF ANY)

Any other item or items (not likely to disclose “exempt information”) which, by reason of special circumstances (to be specified), the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.

SARA TODD

Chief Executive

Membership of the Committee

Councillors D. Jarman (Chair), S. Thomas (Vice-Chair), J.M. Axford, B. Brotherton, D. Butt, S. Taylor, M.J. Welton, M.P. Whetton and B.G. Winstanley.

Further Information

For help, advice and information about this meeting please contact:

Natalie Owen, Governance Officer

Tel: 0161 912 4221

Email: natalie.owen@trafford.gov.uk

This agenda was issued on **Wednesday, 9 June 2021** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH.

TRAFFORD COUNCIL

MEMBERSHIP OF COMMITTEES 2021/22

COMMITTEE		NO. OF MEMBERS	
PUBLIC PROTECTION SUB-COMMITTEE		9	
LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRATS GROUP	GREEN PARTY GROUP
Councillors:	Councillors:	Councillors:	Councillors:
Jill Axford Barry Brotherton David Jarman CH Sophie Taylor Simon Thomas V-CH Barry Winstanley	Dylan Butt OS Michael Whetton	-	Michael Welton
TOTAL	6	2	0
			1

[5 Substitutes: Councillors Dan Bunting, Sarah Haughey, John Holden, Dolores O'Sullivan and Denise Western]

This page is intentionally left blank

Terms of Reference

1. To exercise powers in relation to the following functions as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:
 - (i) all licensing and registration functions except those relating to town and country planning, the regulation of the use of the highway and Safety at Sports Grounds.
 - (ii) functions under any 'relevant statutory provision' within the meaning of Part I of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer; and
 - (iii) associated functions under any local Act.
2. Membership of the Public Protection Sub-Committee shall comprise 9 Members (5:3:1) with up to 5 substitute Members being allowed (3:2:0). The substitute Members for the Public Protection Sub-Committee can only be nominated from the membership of the Licensing Committee.

This page is intentionally left blank

PUBLIC PROTECTION SUB-COMMITTEE

15 APRIL 2021

PRESENT

Councillor D. Jarman (in the Chair).

Councillors S. Thomas (Vice-Chair), B. Brotherton, D. Bunting, D. Butt, S. Taylor and M.J. Welton

In attendance

J. Boyle	Licensing Team Leader,
J. Boles	Enforcement Support Officer,
C. Myers	Solicitor,
N. Owen	Governance Officer.

12. MINUTES

RESOLVED: That the minutes for the meeting held on 18th March 2021 be approved as a correct record and signed by the Chair.

13. EXCLUSION RESOLUTION (REMAINING ITEMS)

RESOLVED: That the public be excluded from this meeting during consideration of the following items on the agenda because of the likelihood of disclosure of “exempt information” which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as specified.

14. APPLICATION FOR THE GRANT OF A NEW HACKNEY CARRIAGE DRIVER'S LICENCE

The Head of Regulatory Services submitted a report requesting members to consider an application for the grant of a new Hackney Carriage driver's licence.

The applicant attended the meeting to enable members to give the matter their full consideration.

The applicant gave his version of the offence and complaints received against him and answered questions from members of the Sub-Committee.

The Sub-Committee considered the report and the evidence given at the meeting and concluded that the applicant was not a fit and proper person to hold a Hackney Carriage driver's licence.

RESOLVED: That Mr S. N's application for a new Hackney Carriage driver's licence be refused.

The meeting commenced at 6.40 pm and finished at 8.11 pm

This page is intentionally left blank

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

APPENDIX 1

TRAFFORD COUNCIL

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

Background

The National Register of Taxi Licence Refusals and Revocations (NR3) is a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. The use and participation of the authority in this mechanism is necessary for the assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence, in particular these assessments form part of the legal duty of the authority to protect potentially vulnerable passengers through the licensing process.

Currently all applicants for a hackney carriage or PHV 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 Disclosure and Barring Service 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.

It is not mandatory for the local authorities to participate and use the register however it is strongly recommended by central government that they do as the more extensive the database then the better protection it will potentially provide.

Tameside Council host the National Anti-Fraud Network (NAFN) who are the administrators of the register

This policy sets out how we will use the National Register.

Trafford Council's Policy in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3

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.

APPENDIX 1

I. Overarching principles

This policy covers the use that Trafford 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' licence¹. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

Trafford Council has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, this authority will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the 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.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application², unless an appeal is made.

Where an appeal to the Magistrates' Court is made, the data will be retained until that appeal is determined or abandoned. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates', unless an appeal is made. Where the appeal is determined by the Magistrates' Court, there is a further right of appeal to the Crown Court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned, unless an appeal is made. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the Magistrates' Court, the retention period has already been addressed). Where the appeal is determined by the Magistrates' Court or the Crown Court, it is possible to appeal the decision by way of case stated³. If an appeal by way of case stated is made, the data will be retained until

¹ Throughout this policy reference is made to 'taxi driver's licence.' This generic term covers a hackney carriage driver's licence, a private hire driver's licence and a combined/dual licence.

² The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible (see *Stockton-on-Tees Borough Council v Latif* [2009] LLR 374). However, to ensure that the information is available if an appeal is lodged and there is a dispute over time periods, a period of 35 days is specified.

³ Any appeal by way of case stated must be lodged within 21 days of the decision of either the magistrates court all the Crown Court (see The Criminal Procedure Rules R35.2). To ensure that

APPENDIX 1

all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined⁴.

The data will be held secure in accordance with this authority's [Primary 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.

II. Information Contained within the NR3 Register

Tameside Council host the National Anti-Fraud Network (NAFN) who are the administrators of the register.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

III. Making a request for further information regarding an entry on NR3⁵

When making an application to this authority for the grant of a new, or renewal of, a taxi driver's licence, this authority will check the NR3.

This authority will make and then retain a clear written record⁶ of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;

the information is available if an appeal is lodged by way of case stated and there is a dispute over time periods, a period of 35 days is specified.

⁴ Decisions of the local authority, magistrates' Court and Crown Court are also susceptible to judicial review. Generally any right of appeal should be exercised in preference to judicial review, but there are occasions when leave has been granted for judicial review in the circumstances. Any application for judicial review must be made "promptly; and in any event not later than 3 months after the grounds to make the claim 1st arose" (see The Civil Procedure Rules R54.5). If an application for judicial review is made after any relevant data has been destroyed, this authority will request the information again and then retain that information until all court proceedings relating to that judicial review (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

⁵ This section of the template policy relates to the submission of a request by the second authority.

⁶ This can be electronic, rather than "pen and paper" hard copy.

APPENDIX 1

- 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 this authority 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 this authority'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.

IV. Responding to a request made for further information regarding an entry on NR3⁷

When this authority 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 years⁸.

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

This authority 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 this authority 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 disclosed⁹. 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

⁷ This section of the template policy relates to the handling by the first authority of a request for information by the second authority.

⁸ This record can be combined with the written record of the action taken as a result of the request.

⁹ If the 1st authority is not satisfied that the 2nd authority's data protection policy is satisfactory, no disclosure can be made. In such circumstances it is essential that discussion takes place as a matter of urgency between the data protection officers of the 1st authority and the 2nd authority.

APPENDIX 1

NR3 register for a period of 25 years, but this authority (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

This authority will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within the Greater Manchester Policy and Guidelines on the Relevance of Convictions When Determining Applications.

Where the reason for 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 why. This authority will make and then retain a clear written record¹⁸ 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.

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

When this authority 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](#). In determining applications the authority will refer to its Statement of Policy and Guidelines relating to the Relevance of

APPENDIX 1

Convictions, Formal/Simple Cautions, Complaints and other matters which may impact on the Granting of a Licence

This authority 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 will make in relation to the application.

V. Making New Applicants and Existing Drivers aware of NR3

All future applications for hackney carriage or PHV driver licenses will be checked against the NR3 register. The authority has updated its application forms and related paperwork/webpages (such as guidance notes and its [Privacy Notice](#)) to make it clear that:

- all applicants will have their details checked against the register, and any relevant information taken into account in assessing the application;
- Where an application is refused, or where a licence is granted but subsequently revoked, this information will be entered into the register.

Where the authority (the first authority) decides to refuse or revoke a hackney carriage/private hire licence, the decision notice will refer to the authority's earlier notification in guidance and on application forms that the decision will be entered on to NR3. The decision notice will also make clear that if the individual makes an application to another licensing authority (the second authority) for a driver's licence at a later date, the second authority may check the register, and the details of the refusal or revocation will be provided to them by this authority, in line with our policy for disclosing information.

VI. Historic Data Migration

On adoption of this Policy the authority will populate the national register with historic data of licence revocations and refusals. In order to comply with data protection law, there must be a point beyond which data will not be uploaded. As the retention period for data on the register is 25 years, no historic data more than 25 years old will be uploaded to the register. It should be noted that the 25 year data retention period begins at the point at which a licence was refused or revoked, rather than the date when the data was uploaded to the register.

Before any historic data is uploaded, the authority will write to those individuals who the data concerns stating that the data will be uploaded at a future date, which will be a period of not less than 28 days. Individuals will be informed about the purposes of the data processing, the legal basis for it, and their various rights to object.

Any representations that are made in that period will be considered by the authority and data will only be uploaded where the authority feels that it is fair and appropriate to do so. This will not prevent historic data being uploaded, but will ensure that where data is held

APPENDIX 1

which may be uploaded, there is an opportunity for the authority to reconsider whether that is the correct action to take.

All records will be removed from the register once it is no longer necessary to hold them for the purpose, as agreed with the authority.

The data retention period for the register is 25 years and will begin at the point at which a licence was refused or revoked. Tameside Council host the National Anti-Fraud Network (NAFN) who are the administrators of the register. NAFN will remove records from the system once the data retention period has elapsed, in accordance with the Data Processing and Data Sharing Agreements signed by this authority and NAFN.

Appendix 1 - information disclosure form

This form is submitted following a search of the National Register of Refusals and Revocations (NR3).

(For completion by requestor authority)

Name of licensing authority requesting information:

Requestor authority reference number:

Name of licensing authority from which information is sought:

Name of individual in respect of whom the request is made:

Decision in respect of which the request is made: Refusal / revocation

Other details for this record:

Address:

Driving licence #:

NI #:

Reference number:

Declaration by requesting authority:

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / PHV licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV licences, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.

APPENDIX 1

To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request is attached to this document/can be accessed at ??.

Signed:

Name:

Position:

Date.....

(For completion by providing authority)

Further information to support the decision recorded on NR3 in respect of the above named individual

--

Declaration by providing authority

The authority hereby confirms that it has conducted a data protection impact assessment.

It also confirms that the information above is accurate, and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / PHV licence, the above named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements

Signed:

Name:

Position:

Date:

Data Protection Impact Assessment (DPIA)



This assessment should be completed as part of the business case for all new information systems and processes which involve the use of personal and sensitive data, or which will significantly change the way in which personal data is handled.

Once the assessment has been completed, please forward to the Information Governance Team for review – data.protection@trafford.gov.uk

GENERAL OVERVIEW

1.	Name of the new system or process	National Register of Taxi Licence Revocations and Refusals (NR3)
2.	Responsible Lead name and Service	Joanne Boyle – Licensing Team Leader Regulatory Services
3.	What are the main aims?	<p>In a letter from the Government in January 2021 Local Authorities were encouraged to become members of NAFN (National Anti- Fraud Network) in order to use NR3 the Register of Taxi Driver Revocations and Refusals. By becoming a member of NAFN individual local authorities can utilise the register to:</p> <ol style="list-style-type: none"> 1. record details of persons whose taxi licence applications have been refused or whose taxi driver licences have been revoked. 2. Access the register to determine whether applicants for taxi drivers' licences have previously been refused a licence in another local authority area, or have had a taxi drivers licence revoked. <p>Where licences have been revoked or refused the enquiring authority can contact the relevant local authority to ascertain the reasons for the refusals/ revocation. Such requests will be undertaken in accordance with DP requirements.</p> <p>A DPIA is required because the data recorded on the register is personal data and will be accessible to all member authorities.</p> <p>The aim of the register is to enhance decision making within taxi licensing. Local authorities are required to only licence persons who are "fit and proper" to hold a licence. Where a licence has been revoked due to conduct issues (as opposed to criminal convictions) it is not recorded on the register for background checks and therefore without a national database of licensing revocations information in relation to</p>
4.	List the main activities of the project	
5.	What are the intended outcomes/benefits?	

APPENDIX 2

		<p>general conduct, such as overcharging customers, inappropriate comments to customers, prolonging journeys, and other matters would not be ascertainable. Examples such as these are relevant when determining the “fit and proper” status of an individual. The register identifies individuals subject to refusal/ revocation and then allows enquiring authorities to contact the relevant authority for reasons for the refusal/ revocation. The release of such information would be subject to DP requirements</p> <p>The relationship between Trafford Council and the individual is one of licence applicant/ holder and the licensing authority. Trafford Council would be the data controller and NAFN would be the data processor.</p> <p>Information would not be held in respect of children, it is possible that personal data may be held on vulnerable people, if it subsequently transpired that the licence revocation was as a result of a medical issue such as alcohol / drug addiction or mental health issues which impaired the licence holder’s decision making/ communication with customers etc.</p> <p>The individuals would be advised via the application process that any decision to refuse to grant or revoke an existing licence would be recorded on the register. They would also be advised of their right to complain to the ICO. Existing licensees would be notified of the register in accordance with the LGA/NAFN guidance.</p> <p>The use of the register will commence following approval by the relevant sub-committee in accordance with the Councils constitution.</p> <p>The benefits to the Council/ Community are the potential for more improved/ informed decision making across the country in respect of applications for taxi drivers’ licences. Local authorities would have access to additional information regarding a person’s history. This information may not be available from any other source (criminal convictions are recorded on an enhanced DBS but general conduct of a taxi driver may not be, unless such conduct has resulted in a criminal conviction).</p>
--	--	---

INFORMATION ASSET REGISTER – Trafford Council staff only

6.	Who is the Information Asset Owner – IAO (Name and Title)	Adrian Fisher – Director of Growth & Regulatory Services Page 20
-----------	--	---

APPENDIX 2

7.	Who is the Information Asset Administrator - IAA (Name and Title)	Joanne Boyle – Licensing Team Leader (SPoC)
DATA		
8.	Who are the Data Subjects? (the people whose data will be held in this new system or process)	Persons whose taxi licence applications have been refused or whose taxi driver licences have been revoked.
9.	List the data fields that will be held on this system	<ul style="list-style-type: none"> • Licensing authority identifier • Telephone number • Name • Email address • Date of birth • Licence type • National insurance number • Action (Revocation or Refusal ONLY) • Address • Date of decision • Driving licence number
10.	Will this system/process include data which was not previously collected?	No
11.	Have you assessed the likelihood of data causing any unwarranted distress or damage to the individuals concerned?	No high risk has been identified in the sharing of this personal data. The reasons for refusal/ revocation will not be detailed on the register. It will be for the enquiring authority to contact the local authority that provided the information to request the reasons for the refusal/ revocation in accordance with DP requirements. The individual has a right of appeal to the Magistrates' Court who would decide if the decision of the LA was wrong or flawed. An individual would not be entered on to the register until after the end of the appeal period.
12.	Are you relying on individuals to provide consent for the processing of this data? If yes, how are you obtaining consent	No
13.	Do you have a privacy notice? if so please attach or provide a web link	Yes http://www.trafford.gov.uk/about-your-council/data-protection/privacy-notices/Service-Level-Privacy-Notices/Licensing-Service-Privacy-Notice.aspx
14.	Is there a legal basis for holding and processing this data? (if under an enactment, please name)	Processing is necessary for the performance of tasks carried out by a public authority acting in the public interest - The Council has a legal responsibility to ensure only persons who are fit and proper are licensed / remain licensed as taxi drivers Town Police Clauses Act 1847 (section 46 – applies to hackney carriage drivers)

APPENDIX 2

		Local Government (Miscellaneous Provisions) Act 1976 S51 applies to Private Hire Drivers
15.	Are any decisions made by automated decision making processes with this system/project? If yes, how do you notify individual?	No
16.	Does the system/process include new or amended identity authentication requirements that may be intrusive?	No
17.	What checks have been made regarding the adequacy, relevance and necessity of data used?	The data is limited but should be sufficient to identify a specific person. It will always be relevant for an authority to consider a previous refusal or revocation and the reasons for that decision, as in many cases it may warrant significant weight. We will give proper respect for the decision of a previous authority having regard to the fact that a driver had a right of appeal to the Magistrates' Court against a decision which was wrong or flawed. Without this approach the objectives of safeguarding and consistency could be undermined.
18.	Can the data subjects opt-out of their data being added to the system or used by the process, and if so is this publicised?	No
DATA SECURITY		
19.	Who will access/use the system/process?	The personal data would be disclosed to Licensing Authorities who are members of NAFN and are seeking to establish whether an applicant for a taxi drivers' licence has ever been refused a licence in another authority or had a licence revoked.
20.	Have the users of the new system completed all the Council data protection e-learning modules?	Yes
21.	Will the data be shared with any other partners (internal or external)? If yes, list partners.	Police, other Local Authorities, Central government bodies such as Her Majesty's Revenue and Custom (HMRC) and DEFRA, Solicitors, Court, other departments within the council, National Anti-Fraud Network (NAFN), Gambling Commission; Disclosure & Barring Service (DBS)
22.	Where will data be held?	TAMESIDE METROPOLITAN BOROUGH COUNCIL, Host Authority for NAFN Data and Intelligence Services whose

APPENDIX 2

		principal office is at Council Offices, Dukinfield Town Hall, King Street, Dukinfield, Tameside SK16 4LA (NAFN).
23.	What format will data be stored in?	Sequel Server Databases
24.	How will staff access and amend data?	<p>Access to the register is restricted to a Single Point of Contact (SPOC) within the member authority and selected officers who need to search the register when considering a licence application. Only NAFN administrators can amend/delete incorrect records.</p> <p>The Data Processing Agreement with NAFN members will regulate the processing of information that is held on the register. Additionally, a Data Sharing Agreement is in place to govern the exchange of data between NAFN members accessing the register.</p> <p>Both the data processing and data sharing agreements will incorporate instruction and guidance on the business process that must be followed to ensure full legal compliance reflecting both Counsel Opinion and comments received from the Information Commissioner's Office.</p> <p>The SPOC officer is required to accept the data processing and sharing agreements electronically. Once the agreements have been accepted, access to the Register will be granted.</p> <p>Before a record can be added to the Register the member licensing authority must confirm that they have notified the applicant of the existence of the NR3 Register and that it will be consulted in connection with all applications (including subsequent applications to renew licences) as per the national guidance for adopting NR3.</p> <p>The following information will be entered by the officer:</p> <ul style="list-style-type: none"> • Licensing authority identifier • Telephone number • Name • Email address • Date of birth • Licence type • National insurance number • Action (Revocation or Refusal ONLY) • Address • Date of decision • Driving licence number <p>The licensing authority officer is required to accept the following declaration before the record is added to the Register :</p> <p><i>I can confirm that details entered are correct to the best of my knowledge, that the subject has been notified of the</i></p>

APPENDIX 2

		<p><i>decision and that their details will be entered onto the National Register of Taxi Licence Refusals and Revocations (NR3).</i></p> <p>This information is stored electronically in the register. Officers can list and view records for their own organisation only.</p> <p>Officers have the ability to search the register. In order to perform a search, they must select a declaration confirming the reason for the search:</p> <p>Matching records are displayed. When selecting the relevant record, the officer is provided with details from the matching record including:</p> <ul style="list-style-type: none"> • Local authority name • Officer name, contact details that entered the matched record • Name, date of birth and national insurance number of the matched record <p>This permits the officer to make enquiries with the relevant person at the matching authority thus facilitating data sharing between the members in respect of revocations and refusals.</p> <p>A full audit trail on all searches will be maintained.</p>	
25.	How will data be shared?	<input type="checkbox"/> Fax <input type="checkbox"/> Email <input type="checkbox"/> Via Secure Mail (Egress) <input checked="" type="checkbox"/> Website <input type="checkbox"/> Via Courier	<input type="checkbox"/> By Hand <input type="checkbox"/> Via post <input type="checkbox"/> Via telephone <input type="checkbox"/> Other – please state
26.	Are you transferring any personal and / or sensitive data to a country outside the European Economic Area (EEA)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <p><i>If yes, please outline the data types, country, transfer methods and any measures in place to ensure adequate levels of security when transferred to this country.</i></p>	
27.	What security measures have been taken to protect the data?	<p>Safeguards are in place restricting Licensing Authorities to inputting onto the Register data relevant to the Agreed Purpose. Searches of the register are restricted to Licensing Authority users for the Agreed Purpose.</p> <p>All users are verified and provided with access to the secure NAFN website. Each user must have the four elements in order to access the system:</p> <p><input type="checkbox"/> Unique User Name (provided by User) <input type="checkbox"/> Unique password minimum combination of upper, lower case and numeric characters (provided by User) <input type="checkbox"/> Unique Pin Code (automatic, randomly generated by the system) <input type="checkbox"/></p>	

APPENDIX 2

		<p>Unique Grid Card (automatic, randomly generated by the system)</p> <p>All records submitted via the Register are stored on an internal case management system. Access is restricted to NAFN staff.</p>
28.	<p>Is there a useable audit trail in place for the data asset to identify who has accessed a record? (electronic or hard copy)</p>	<p>To access NR3 users must be working for or on behalf of a Licensing Authority</p> <p>Access to NR3 is strictly controlled by NAFN Personnel and the Managers and/or nominated Single Point of Contact (SPOC) of individual user's. In order for access to be authorised for an individual user, the Licensing Authority's Designated Person user must confirm that:</p> <p>I authorise this user to access The Register in order to facilitate the exercise of any function my Authority has under or by virtue of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Sections 51, 59 and 61 Local Government (Miscellaneous Provisions) Act 1976 <input type="checkbox"/> Sections 13, 16 and 17 Private Hire Vehicles (London) Act 1998 <input type="checkbox"/> Section 3 Private Hire Vehicles (London PHV Driver's Licences) Regulations 2003 <input type="checkbox"/> Sections 25 and 30 London Cab Order 1934 <input type="checkbox"/> Sections 9 and 19 of the Plymouth City Council Act 1975 <input type="checkbox"/> Section 46 of the Town Police Clauses Act 1847 <p>The system maintains a full audit trail of all creation(s) and amendment(s) conducted by users. All searches must be conducted for a permitted purpose: <input type="checkbox"/> Pre-Licensing enquiry <input type="checkbox"/> Post-Licensing enquiry</p> <p>Users are required to confirm : Data Protection Act 2018 - Schedule 1, Part 2 (11)</p> <p>I am making enquiries that are concerned with the exercise of a protective function intended to protect members of the public against:</p> <p>(a) dishonesty, malpractice or other serious improper conduct (b) unfitness or incompetence</p>

APPENDIX 2

		<p>I confirm that information in respect of the above personal data is required for that/these purposes.</p> <p>I understand that enquiries will be monitored. Inappropriate use will be reported for misuse and may result in my account being suspended and/or access removed.</p>
29.	How often will the system or process be audited?	<p>NAFN will keep at its normal place of business detailed, accurate and up-to-date records relating to the processing of the Relevant Data by NAFN including the permissioning and control of the Relevant Data, and books of account (Records).</p> <p>NAFN will permit the Licensing Authority and its third-party representatives, on reasonable notice during Normal Business Hours to:</p> <p>(a) gain access to, and take copies of, the Licensing Authority Data and the Processed Data held at NAFN's premises; and</p> <p>(b) inspect The Register and facilities and equipment, for the purpose of auditing NAFN's compliance with its obligations under this Agreement. Such audit rights may be exercised only once in any calendar year during the Term of the agreement between the Authority and NAFN.</p>
30.	Who supplies the system or process?	TAMESIDE METROPOLITAN BOROUGH COUNCIL, Host Authority for NAFN Data and Intelligence Services whose principal office is at Council Offices, Dukinfield Town Hall, King Street, Dukinfield, Tameside SK16 4LA (NAFN).
31.	Is the supplier of the system or recipient of the data compliant with GDPR and UK Data Protection Legislation?	Yes
32.	Does the supplier have a named DPO? If so, please state name and email address	For the purposes of the Privacy and Data Protection Requirements NAFN's Data Protection Officer is Sandra Stewart (Borough Solicitor)
33.	Does the supplier contract include necessary IG clauses? (Name the clause number in the contract)	See section 5 of the attached NR3 Data Sharing Agreement. Also attached NR3 Data Processing Agreement.
34.	What business continuity plans are in place in the case of data loss/damage as a result of human error/computer virus/network failure/theft/fire/flood/other disaster?	<p>Having considered the Privacy and Data Protection Requirements, the parties have in place their own guidance that must be followed in the event of a Data Security Breach.</p> <p>The parties will notify the ICO within 72 hours of any notifiable breach and will notify any potential or actual</p>

APPENDIX 2

		<p>losses of the Shared Personal Data to each and every SPoC as soon as possible and, in any event, within 24 hours of identification of any potential or actual loss to enable the Parties to consider what action is required in order to resolve the issue in accordance with the applicable national data protection laws and guidance.</p> <p>The parties agree to provide reasonable assistance as is necessary to each other to facilitate the handling of any Data Security Breach in an expeditious and compliant manner.</p> <p>In terms of business continuity, the Authority will still be able to process driver applications without reference to the Register but may not grant a licence without this additional check. If the Register were not to be available for some time a policy decision would have to be made to consider granting licences, as we do now, without this additional check. Any application decisions made could be reviewed once the Register was once more available.</p> <p>The System is backed up daily off premise (Cloud base).</p>
--	--	---

DATA QUALITY

35.	Who provides the information for the data asset?	Licensing Officers of the Local Authority verified by the Authorities SPoC
36.	Who inputs the data into the system?	Officers approved by the SPoC in each Licensing Authority.
37.	How will the information be kept up to date and checked for accuracy and completeness?	All information to be entered on to the Register will be checked and verified by the SPoC.
38.	Can a request for amendments or deletion of data from the system from a data subject (or a court) be complied with?	<p>Data Subjects have the right to obtain certain information about the processing of their Personal Data through a Subject Access Request. In circumstances where the processing of a Data Subject's personal data is not in compliance with applicable national data protection laws, Data Subjects may also request rectification, erasure or restriction of processing of their personal data.</p> <p>Officers approved by the SPoC in each Licensing Authority shall be responsible for creating an individual case. NAFN is responsible for the processing of the individual case in The Register and maintaining a record of all amendments and/or searches undertaken against each case.</p> <p>Should a Data Subject seek to enforce any right contained in Privacy and Data Protection Requirements or a Subject Access Request be received by NAFN it will be dealt with as per the Host Authority process.</p>

ONGOING USE OF DATA

APPENDIX 2

39.	Will the data be used to send direct marketing messages?	No
40.	If yes, are consent and opt-in procedures in place?	
41.	What is the data retention period for this data? <i>(please refer to the Council's retention schedule)</i>	<p>Details will be kept on the register for 25 years - The register has been developed to support public safety through the potential sharing of information that is relevant to consideration of whether an individual is a fit and proper person to hold a taxi licence. There will be instances where the basis for an individual's licence being revoked or refused is sufficiently serious as to remain relevant to a future taxi licence application however far in advance it is submitted; for example, where it concerns an issue of sexual misconduct in relation to a passenger. The data retention period for the register has therefore been set to reflect the potential gravity of some revocations and refusals, and the need for this information to be shared. However, any information to be shared between authorities outside of the register will be shared on a proportionate and time limited basis, in accordance with the authority's policy for doing so. If the authority did not take a case specific approach but chose to share all data over the full retention period, this would be likely to be disproportionate and therefore unlawful.</p> <p>We will need to ensure that our information governance policies are updated to make reference to the NR3 retention period, the associated retention period for supporting taxi licence data, and the rationale for it.</p>
42.	How will the data be destroyed when it is no longer required?	<p>All records are removed from the system once it is no longer necessary to hold them for the purpose, as agreed with licensing authorities.</p> <p>The data retention period for the register is 25 years and will begin at the point at which a licence was refused or revoked. NAFN will remove records from the system once the agreed data retention period has elapsed.</p> <p>The personal details of licensing authority officers will also be removed where necessary to ensure that data in the Register is accurate, relevant and up to date.</p> <p>Individual records can only be removed via the NAFN case management system and can only be conducted by the NAFN system administrator. All applications must be made in writing to general@nafn.gov.uk.</p>

APPENDIX 2

PIA SIGN OFF			
43.	Your PIA should be approved by your Information Asset Owner and sent to the Information Governance Team for review at: data.protection@trafford.gov.uk		
	Submitted by:	Joanne Boyle	Date: 20/04/21
	Information Asset Owner:	Adrian Fisher	Approved date: 04/06/21
	IG reviewed:	Andrew Roberts	Review date: 20/04/21
	DPO approved:	Andrew Van Damms I am satisfied that privacy/Data Protection considerations have been given appropriate attention ahead of accessing and sharing personal data into NR3, the Register of Taxi Driver Revocations and Refusals. The lawful basis is clearly established, appropriate privacy information is on place i.e. privacy notice, data minimisation has been incorporated, individual rights can be facilitated, and there is a clearly defined retention period. In addition, there are robust measures and controls to ensure both personal data can be shared securely and the security and integrity of data stored within the system.	Review date: 21/05/21
	SIRO approved:	Jane Le Fevre	Approved date: 04/06/21

APPENDIX 2

Referral made to ICO - High Residual Risk DPIA Process	<input type="checkbox"/> Yes <input type="checkbox"/> No	Outcome	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected <input type="checkbox"/> N/A	Date	
Date uploaded to Asset Register/ ROPA					