

PUBLIC PROTECTION COMMITTEE: 5 March 2019

Report of the Head of Shared Regulatory Services

**NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS & REFUSALS
(NR3)**

1. Background

- 1.1 The Local Government Association (LGA) has commissioned the development of a national register of hackney carriage/private hire driver licence refusals and revocations. The aim is to assist local authorities in determining whether applicant's are 'fit and proper' to obtain a licence.
- 1.2 This report is to advise the Committee of the functionality of the register and to approve the update of the Taxi Licensing Policy, and Fitness Criteria for Drivers and Operators to reflect the use of the register.

2. Details.

- 2.1 The National Register of Taxi Licence Revocations and Refusals (NR3) is a mechanism for licensing authorities to share details of individuals who have had a hackney carriage/private hire driver's licence revoked, or an application for one refused. The register is hosted by National Anti-Fraud Network (NAFN). The NAFN and LGA guidance on the use adoption of the NR3 register is detailed in Appendix A.
- 2.2 Until the establishment of the register, unless disclosed by the applicant, the Licensing Authority had no consistent way of knowing if that applicant had previously been refused or revoked by another Licensing Authority. This means in determining whether an applicant is a 'fit and proper' person to hold a licence, vital information in the interest of public safety could have been missed.
- 2.3 For example if a driver was revoked by a local authority following a complaint about inappropriate behaviour towards a passenger, that driver could apply for a licence with another licensing authority. If the driver failed to disclose the revocation to the new licensing authority, they would not know that the applicant had been considered unfit to hold a licence by another authority and would have no knowledge of his previous behaviour.
- 2.3 It is envisaged that the NR3 register will provide a consistent approach towards licensing, increase confidence in the suitability of applicants, and potentially

increase public safety through assisting the refusal of unsuitable applicants to the taxi/private hire trade.

3. **NR3 Process**

- 3.1 When a grant or renewal application for a hackney carriage/private hire driver's licence is received, Licensing Authority officers will undertake a search of the NR3 register.
- 3.2 If the search concludes a positive result on the register, a request will be made to the local authority that made the entry for further information to determine the applicant's suitability.
- 3.3. The Shared Regulatory Service will retain records of all searches conducted on the NR3 register and a separate record will be made of all requests for information from other local authorities.
- 3.4 All new application forms will be amended to reflect the use of the NR3 register, and anyone added to the register will be informed in writing.
- 3.5 A draft policy on the use of NR3 is detailed in Appendix B. The text to be added to Cardiff's Taxi Licensing Policy and Fitness Criteria for Drivers and Operators is detailed in Appendix C.

4. **Consultation**

- 4.1 The trade consultation procedure was undertaken in accordance with the consultation procedure on any policy matters. The draft reports intended for consideration were made available at the licensing offices for any interested party to provide written submissions.

5. **Achievability**

This report contains no equality personnel or property implications.

6. **Legal Implications**

- 6.1 As the NR3 Register will involve the processing of personal data, the General Data Protection Regulation and Data Protection Act 2018 principles will need to be followed.
The Vale of Glamorgan act as the Data Controller in respect of the Shared Regulatory Service on behalf of each of the Licencing Authorities and they will be responsible for ensuring controls are in place for compliance with the DPA 2018.

A Data Protection Impact Assessment will be undertaken by the Shared Regulatory Service, assisted by all Licensing Authorities to ensure all controls and assurance required for compliance with its legislative responsibilities are met.

7. Financial Implications.

- 7.1 The council is already an existing member of NAFN, therefore there will be no additional cost associated with the adoption of the NR3 Register.
- 7.2 The small additional costs incurred in the administration of the register can be recovered in the hackney carriage/private hire driver's licence fee. The use of the register does not require any additional resource for the Licensing section.

8. Recommendation

- 8.1 It is recommended that the Committee determine the following:
- a) The use of the NR3 register, and if approved:
 - b) The NR3 Policy detailed in Appendix B
 - c) The amendment to the Taxi Licensing Policy and Fitness Criteria for Drivers and Operators as detailed in Appendix C

9. Reason for Recommendation

- 9.1 For many years local authorities have lobbied for a national database of taxi drivers in the interests of public safety. This register of refusals and revocations goes some way to address the public safety concerns raised by local authorities, especially with the increased prevalence of cross border hire.
- 9.2 Failure to adopt the NR3 Register may lead to a reputational risk to the authority for not following the LGA Guidance.
- 9.3 There is also the risk that Cardiff may grant a licence to an applicant who has been deemed unsuitable by another local authority, which could potentially have an impact on public safety.

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HEAD OF SHARED REGULATORY SERVICES

15 January 2019

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None