

Report to Environment and Licensing Committee

Subject: National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S)

Date: 9 January 2024

Author: Head of Environment

Purpose

To inform Members of the legal position regarding the use of the NR3S register (the 'Register'), pursuant to the Taxis and Private Hire Vehicle (Safeguarding and Road Safety) Act 2022

To seek Members approval to input into the Register retrospective, qualifying decisions made by the Council after consideration of the NAFN (National Anti-Fraud Network) best practice advice.

Recommendation(s)

THAT:

- 1. Members note the legal position regarding the use of the NR3S register.**
- 2. Officers are authorised to write to all licence holders current and historic where decisions have been made regarding their Hackney Carriage/Private Hire Drivers licences that merit inclusion on the Register.**
- 3. Any responses to these letters be considered by the Head of Environment in consultation with the Chair of the Environment and Licensing Committee to decide if it is fair and appropriate in each individual case to include that data on the Register.**
- 4. After the 28 day response period to the above letters has passed, to authorise officers to arrange the bulk upload of historic data for the previous 5 years to the Register in accordance with the procedural advice from NAFN.**
- 5. That the Hackney Carriage/Private Hire Driver Licence**

Conditions be amended to state that if the licence holder is informed that they have been included in the NAFN register, been subject to disciplinary proceedings, been suspended or revoked by another Authority with which they hold a licence then they must notify the Council, in writing, within 48 hours, preferably by email.

1 Background

- 1.1 The Local Government Association (LGA) and the National Anti-Fraud Network (NAFN) launched the National Register of Taxi Licence Revocations and Refusals (NR3) in 2018. The Register provided a mechanism for licensing authorities to record details where a taxi or PHV drivers' licence had been refused or revoked, and allows licensing authorities to check new applicants against the register. The simple objective of the NR3 was to ensure that licensing authorities could take properly informed decisions on whether an applicant was 'fit and proper', in the knowledge that another authority had previously reached a negative view on the same applicant.
- 1.2 NR3 was developed and promoted to improve public safety and confidence in taxi and PHV licensing. The benefits of sharing this data were widely acknowledged and the Department for Transport (DfT) has recognised the value of NR3, using legislation to mandate its use. NR3 was introduced in 2018 on a voluntary basis and the Council opted to use the system as it was considered good practice to search applicants for taxi drivers licences and to make any Data Protection Act (DPA) requests to other Authorities as appropriate.
- 1.3 On 31 March 2022, the [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022](#) received Royal Assent. [Statutory Guidance](#) was published on 23 May 2022. From 7 April 2023, the Act places new duties on PHV licensing authorities in England. The Act contains provisions that require licensing authorities to record information relating to drivers' licensing histories (refusals, revocations or suspensions), if made wholly or in part on the basis of relevant information, on a National Register. Furthermore, before a licensing authority in England decides whether to grant or renew a driver licence, it must search the Register for any entry relating to the applicant.
- 1.4 The NR3 register has been enhanced to meet these new operational requirements and rebranded as the NR3S National Register. The Secretary of State has approved the new Register and confirmed that it will be maintained by NAFN.

- 1.5 Whenever the authority processes a new application or renewal, a check is made by the Licensing Team on the Register at a suitable stage of the process to confirm whether the applicant was subject to a previous licensing decision of which they should be aware. A licensing authority must not base its decision solely on an entry on the Register. Every application must be considered on its own merits.
- 1.6 The Register also enables licensing authorities to comply with its Statutory obligations to input data regarding qualifying decisions on refusals, revocations and suspensions of taxi and PHV driver licences and this has to be done within 5 days of a decision being made by the Authority.

2 Proposal

- 2.1 There is no mandatory requirement for Authority's to input retrospective decisions made prior to 27 April 2023 to the Register. However, it is advised as best practice to record relevant decisions made within the last 11 years. This historic data can be submitted to NAFN allowing the bulk upload of these records onto the Register. Officers are of the opinion that 11 years worth of historical data is excessive and not proportionate and recommend that the past 5 years of historical data be more appropriate. This 5 year time frame is in line with the introduction of the register in 2018.
- 2.2 Before any historic data is uploaded, the authority must write to those individuals to whom the data relates stating that the data will be uploaded at a future date. Individuals should be informed about the purposes of the data processing, the legal basis for it, and their various rights to object in this regard. These individuals should be allowed a period of not less than 28 days to respond. Any letter to these individuals does not specifically need to invite representations about the proposal. Any representations that are made in that period should be considered by the authority and data should only be uploaded where the authority feels that it is fair and appropriate to do so.

3 Alternative Options

- 3.1 That the uploading of historical data is not authorised which would mean that other Authorities would not have the opportunity to take into account decisions made by this Authority when considering the fit and proper status of an applicant. This could result in a risk to public safety.
- 3.2 That in accordance with the Officer recommendation an alternative period of 5 years of historical data be included rather than the suggested period of 11 years of data.

4 Financial Implications

4.1 None

5 Legal Implications

5.1 There is no statutory duty to input historic data onto the Register but it is recommended as best practice. If members authorise the inputting of historic data the procedure explained at paragraph 2.2 of the report should be followed.

5.2 At the time of making an application for a drivers licence all drivers must sign a declaration that they agree and understand that if their licence is refused, suspended, or revoked other licensing authorities may be informed.

5.3 It is now a statutory obligation that the Council records any decisions made wholly or partially due to 'relevant information' on the Register as well as searching the Register when an application is made.

6 Equalities Implications

6.1 Appendix 1 - Equalities Impact Assessment

7 Carbon Reduction/Environmental Sustainability Implications

7.1 None

8 Appendices

8.1 Appendix 1 – Equalities Impact Assessment

9 Background Papers

9.1 None

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer