



REPORT OF THE DIRECTOR OF RESILIENT COMMUNITIES TO THE LICENSING AND SAFETY COMMITTEE

10th June 2020 at 4:00pm

NATIONAL REGISTER FOR REFUSALS & REVOCATION

1.0 Summary of report

- 1.1 This report provides sets out Walsall Councils intention to start using the National Register of Taxi Refusals and Revocations (NR3). The Register will enable appropriately authorised Licensing staff to scrutinise all new Private Hire Vehicle Driver and Hackney Carriage Driver applications and licence renewals to a higher degree. It will also allow staff to enter details of all refusals and revocations made by Walsall Council onto the register for other licensing authorities to view.

2.0 Recommendations

- 2.1 That Committee members support the Licensing Services intention to use the National Register of Taxi Refusals and Revocations.
- 2.2 That Committee agree that the Licensing Service notifies the Private Hire and Hackney Carriage trade of the intention to use this register the start date and their rights.

3.0 Background information

- 3.1 In July 2018, The Local Government Association (LGA) launched the National Register of Taxi Refusals and Revocations of Hackney Carriage and Private Hire Vehicle Driver's licences.
- 3.2 The NR3 has been developed to improve public safety and confidence in Hackney Carriage (HC) and Private Hire Vehicle (PHV) licensing. There have been numerous high profile cases where drivers who have been refused licences, or had a licence revoked in one area, have gone to another area and received a licence in that area by failing to disclose their previous history. This undermines public safety, if there are legitimate reasons why a licence was refused or revoked, and damages confidence in the hackney carriage / PHV licensing regime and trade.

This is why the initiative has been widely supported by a number of drivers and firms, as it will provide a mechanism for ensuring information about refusals and revocations can be shared between all licensing authorities in a safe and secure way.

- 3.3 The register is managed by the National Anti-Fraud Network (NAFN) and is hosted by Tameside Council. Walsall Council Licensing Service has contacted NAFN and received the secure log-in details necessary for certain authorised staff to use the system.
- 3.4 The expectation is that staff will add basic details about individuals if their Private Hire Vehicle (PHV) Drivers licence or HC Vehicle Drivers licence application (or renewal) is refused and if a licence is revoked. The details contained on the register are limited to information that will help to identify an individual. The register will not give a reason why actions were taken.
- 3.5 When a new application for a PHV Drivers licence or HC Vehicle Drivers licence is received, Licensing Officers will log on to the Register and search it to see if the applicant's details are listed. If the details are listed a request will be made to the licensing authority who refused or revoked the licence for further information to assist Walsall Council in determining whether the applicant or licence is fit and proper.
- 3.6 When Walsall Council through either officer delegations or through Licensing and Safety Committee (and relevant sub committees) revokes a licence, or refuses an application, it will record this information on NR3. The information recorded 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
- 3.7 Suspensions of licences will not be recorded on NR3. This is because suspension should be used as either a short-term punishment or to overcome a short-term situation (e.g. driving or medical issues). Where a driver is no longer considered to be a fit and proper person to hold a licence, the licence should be revoked.
- 3.8 Individuals whose details are added to NR3 will be notified at the point at which they are advised of the decision to refuse or revoke a licence. Outside of these times, an individual can make a subject access request (SAR) for any of their personal data that is held on NR3. Walsall Council in its role as the licensing authority will be the 'data controller' to whom a SAR would be submitted in the first instance.

- 3.9 As the organisation storing the data, NAFN will act as the 'data processor' to fulfil the SAR. Similarly, the exercise of any other rights provided under data protection legislation should be made to Walsall Council in the first instance.

4.0 Resource considerations

- 4.1 **Financial:** The costs involved in carrying out the extra check and notification to all existing trade will be incorporated into any licence or application fees and met from within existing budgets.
- 4.2 **Legal:** Section 51 (1) of The Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall, on receipt of an application from any person for the grant to that person of a licence to drive Private Hire vehicles, grant to that person a driver's licence:-

Provided that a district council shall not grant a licence:

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence or
 - (b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.
- 4.3 There is no legal definition of a "fit and proper person", the ordinary meaning must therefore be attached to these words. The Licensing Authority may make such enquiries, as they deem necessary to establish whether an applicant is a "fit and proper person".
- 4.4 The Council will use the NR3 database to ensure applicants are fit and proper persons to hold a licence. The Council will also add information onto the database about any person who has had their PHV or HC drivers licence revoked in Walsall so that other authorities can also make a determination about application made by that person in their licensing authority area.
- 4.5 The Council will use the NR3 in accordance with the General Data Protection Regulations (GDPR) and human rights law. The Council is already registered with NAFN, who the LGA commissioned to develop and host the register, but have not entered any information at present as the trades had not been consulted.
- 4.6 The Council proposes to transfer all of the existing, relevant data that we hold in our existing database into the national database. All data relating to refusals and revocations will be held for 25 years from the date of the decision, in accordance with the NAFN retention policy. This will include those decisions previously made.

5.0 Staffing:

5.1 Nothing arising from this report.

6.0 Citizen Impact

6.1 The implementation of this system and sharing of data in relation to refusals and revocations will afford better protection to citizens within Walsall and nationwide.

7.0 Community Safety

7.1 The introduction of the policy is for the benefit of the community and people of Walsall.

8.0 Environmental Impact

8.1 None

9.0 Performance and Risk Management Issues

9.1 The council's information governance team have been informed of this system. Driver application forms will be amended to include a statement that the information contained on the form will be uploaded on to the NR3 register should a licence be revoked or refused.

10.0 Equality Implications

10.1 None arising from this report

11.0 Consultation

11.1 None.

12.0 Appendices

12.1 None.

13.0 Contact Officer:

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