

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date 18 June 2019

Report of: Head of Environmental Health

Subject: NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS AND REFUSALS

SUMMARY

The Hackney Carriage and Private Hire Driver licensing regime requires the Licensing Authority to satisfy itself that applicants are "fit and proper" persons to hold drivers licenses. At the moment if applicants do not disclose a previous revocation or refusal there is no way of finding out this information. This report seeks to introduce into the taxi and private hire licensing process the use of the national register of taxi and private hire driver revocations and refusals, known as NR3. This will enable details of drivers that Fareham Borough Council has refused or revoked to be uploaded and also allow a search to be made against each applicant to ensure that previous revocations and refusals can be fully considered as part of the licensing process.

RECOMMENDATION

It is recommended that the Licensing and Regulatory Affairs Committee agrees to:

- (a) the introduction of the National Register of Taxi Licence Revocations and Refusals (NR3) into the Licensing process; and
- (b) the amendment of the Private Hire and Hackney Carriage Handbook and application forms to reflect the change.

INTRODUCTION

1. When considering applications for hackney carriage and private hire vehicle driver's licences, the Council must be satisfied that the applicant is a fit and proper person to be granted a licence. No definition is offered of this term, and the Council's discretion is wide-ranging.
2. The Local Government Association (LGA) and National Anti-Fraud Network (NAFN) have implemented a National Register of Taxi (also incorporating Private Hire) Revocations and Refusals, to be known as NR3 and the Committee is requested to consider agreeing to the introduction of this Register and associated Guidance.

BACKGROUND

3. All applicants for taxi and private hire licences are asked, on the application form, if they have ever had a similar licence application refused or revoked. If the applicant answers "yes" to this question, they are requested to give the name of the local authority concerned so that officers can ask that authority for information. However, if the applicant states "no", there is no way to check this information. Therefore, a new licensing authority may be granting a licence without relevant information being available.
4. Similarly, there is the potential for a person who had their licence revoked/refused by Fareham Borough Council to obtain a licence in a neighbouring authority. Recently, a person who had their licence revoked in a neighbouring authority applied to Fareham Borough Council. He had no offences on his DBS but information received from the neighbouring authority gave grounds for the Panel to deem him not to be "fit and proper". This driver volunteered that his licence had been revoked but if he had not, the likelihood is that he would have routinely been granted a licence.
5. Regulators within the licensing trade have been advocating for a very long time for there to be a national register of licence revocations/refusals in order that adequate checks can be made for licence applicants, and the LGA, in conjunction with the NAFN has now implemented such a database. Guidance on adopting the National Register of Taxi Licence Revocations and Refusals (NR3) produced by the LGA and NAFN is attached as Appendix A to this report.
6. If the Committee decides to introduce the use of the register, it will involve Fareham Borough Council providing information for the database on revoked or refused licences and responding to information requests on these data subjects in the event that the person applies to another Local Authority for a licence. When a person applies for a licence, the database will be checked by a licensing officer, and if an applicant appears on the database, an information request will be sent to the appropriate Local Authority. Where there are doubts as to an applicant's suitability to be granted a licence, the applicant will be referred to a Licensing Panel for the application to be determined.
7. Section 4.1 of the Guidance refers to membership of the NAFN and the need to sign-up to data sharing and data processing agreements with NAFN. The Council is already a member of NAFN, therefore there will be no additional cost associated with this.

8. Section 4.3 of the Guidance refers to historic data migration and refers to data being retained for 25 years on the register. The Council currently holds information on revoked/refused drivers/operators on its Ocella system. It will be necessary to write to these individuals and advise them that their information will be uploaded to the register and informing them of the reasons for this. An individual may request that the information is not uploaded and any requests of this nature will be fully considered before a final decision is made.
9. New applicants will be made aware of the register by changes to the application form which will notify applicants of the register and that their information may be uploaded to it if their application is refused or any subsequent granted licence revoked. Existing licence holders will be made aware of the register via a letter and also when they apply to renew their licence.
10. Section 5.3 of the Guidance refers to the disclosure of information relating to refusals/revocations and the need for the Council to have a policy which governs its approach to the circumstances in which it will share, receive and use information of data from the register. A suggested template policy is attached at Annex D to the Guidance. A separate record will be made of all requests for information.

RISK ASSESSMENT

11. There are no significant risk considerations in relation to this report

CONCLUSION

12. The Licensing and Regulatory Affairs Committee is requested to consider the adoption of the National Register for Taxi Licence Revocations & Refusals together with the associated Guidance produced by the LGA and NAFN.

APPENDICES:

Appendix A Guidance on adopting the National Register of Taxi Licence Revocations & Refusals (NR3) produced by the Local Government Association and National Anti-Fraud Network

Background Papers: None

Reference Papers: None

Enquiries: For further information on this report please contact Ian Rickman. (Ext 4773).