

GENERAL PURPOSES AND LICENSING COMMITTEE – 10 SEPTEMBER 2021

ADOPTION OF NATIONAL REGISTER TO CHECK DRIVER APPLICATIONS.

1. INTRODUCTION

- 1.1 This report provides Members of the General Purposes and Licensing Committee with information on the National Register of Taxi Licence Revocations and & Refusals (NR3) and seeks support on adoption and implementation.

2. BACKGROUND

- 2.1 The New Forest District Council has a statutory responsibility under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985 to licence the hackney carriage and private hire service. Under this legislation, the council shall not grant a licence to a driver unless it is satisfied that the applicant is considered as “fit and proper and safe and suitable” to hold such a licence.
- 2.2 During the application process all aspects of a driver’s circumstances and history are considered. This includes their character, likelihood of conduct of bad behaviour, previous criminal history, health, driving skills and ability, local geographical knowledge, awareness of the duties and obligations of a driver and knowledge of the law.
- 2.3 The Council’s driver application form asks applicants if they are licensed by any other authorities and if they have previously had their licence revoked by another authority. (See **Appendix 1**, question 10 on the application form).
- 2.4 Declaring this information should prevent applicants who have had a licence revoked by another licensing authority from securing a future licence with a different authority, however, it relies on drivers disclosing the information.
- 2.5 Previously there has been no other method for licensing authorities to find out this information and if not disclosed, it is unlikely it would ever come to light. Vital intelligence about an applicant’s past behaviour could be missed and an individual may be able to obtain a new licence in the New Forest or another area, despite having their licence revoked elsewhere.

3. THE NATIONAL REGISTER OF REVOCATIONS AND REFUSALS

- 3.1 In response to this issue, the Local Government Association commissioned the National Anti-Fraud Network (NAFN) to develop and host a register called the National Register of Refusals and Revocations which is referred to as the NR3. The development of the NR3 has been welcomed by all sections of the taxi trade, safety groups and charities, the Department for Transport and by licensing authorities.
- 3.2 The register allows licensing authorities to record details of any driver licence that has been refused or revoked and when a new application for a licence is received, the authority can check to see whether their details exist on the register. This prevents applicants who are not considered fit and proper in one area from securing a licence somewhere else, through deception and non-disclosure.
- 3.3 The NR3 does not extend to vehicle or operator licensing decisions and does not record data on suspended driver licences.

- 3.4 In July 2020, the Department for Transport (DoT) published the Statutory Taxi and Private Hire Vehicle Standards. The document introduces core minimum standards required to regulate better the taxi and private hire vehicle sector, bringing consistency to all authorities across the country. This will prevent applicants “shopping around” and applying to those licensing authorities which have lower standards.
- 3.5 The DoT expect the recommendations in the document to be implemented, which includes 4.21 of the Statutory Standards, stating “*Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.*”
- 3.6 Joining the scheme will provide confidence and certainty that all applicants have undergone stringent checks to ensure their suitability to hold a licence. This then provides additional protection for the safety of the travelling public including vulnerable users and children. As the number of authorities using the register increases, the driver licensing regime will become stronger and more robust on the vetting process for applicants.

4. IMPLEMENTATION OF THE REGISTER

- 4.1 The NAFN hosts the NR3 and to access the register, authorities are required to be members of NAFN. New Forest District Council will need to sign up for access to the dedicated portal at an annual cost of £1,600 per year. These costs can be included in the driver licensing fee.
- 4.2 The licensing authority will ensure that all data processing and sharing on the NR3 and with individual authorities will be undertaken in accordance with the data protection requirements.
- 4.3 The information recorded on NR3 will be limited to driver name, identity details, the decision taken and the date but not the nature of the revocation or refusal. Where an applicant’s details are flagged up on the system during a search, further information on the revocation or refusal can be provided as part of the fit and proper application checks.
- 4.4 The licensing authority will inform all applicants of the existence of the NR3 once the register is adopted and any driver must be informed that their personal data will be placed on the register if at any time their licence is revoked.
- 4.5 The licensing authority can upload historical data on refusal and revocations but will write to those drivers/applicants to be included on the register, prior to uploading their details. Drivers will be informed about the purposes of the data processing, the legal basis for it and their various rights to object.
- 4.6 Information will be kept on the register for 25 years and this will be reflected in the Service’s Data Retention Policy.
- 4.7 Adoption of the national register will be included in the revised Taxi Licensing Policy, which Members will be consulted on in the near future.

5. CONCLUSION

- 5.1 To ensure the safety of the public, the licensing authority performs checks regarding the safety and suitability of drivers as part of the Fit and Proper person test.

5.2 Adoption of the national register NR3 will provide officers with additional information on which to base their decisions on the suitability of applicants and will reassure the public that robust assessments are in place to safeguard passengers.

6. RECOMMENDATION

6.1 That Members support the adoption of the National Register of Taxi Licence Revocations and Refusal (NR3) which will provide an enhanced level of assessment for driver applications and enable the licensing authority to continue to safeguard the public, in line with statutory Government guidance.

7. APPENDICES

Appendix 1- NFDC Driver application form

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Background papers:

Statutory Taxi and Private Hire Vehicle Standards, July 2020