



Licensing Committee

Item

8

22 March 2023

Report of	Safety and Protection Manager	Author	Sarah White
Title	Approval of the NR3 Policy		☎ 506420
Wards affected	All		

1. Executive Summary

- 1.1 This report sets out the responses to the consultation on the Council's proposed Policy on the use of the National Register of Taxi Licence Revocations and Refusals (NR3) which if approved will form an appendix to the Council's Hackney Carriage and Private Hire Licensing Policy.

2. Recommended Decision

- 2.1 To recommend to full Council that the NR3 Policy be adopted for inclusion in the Hackney Carriage/Private Hire Licensing Policy.

3. Reason for Recommended Decision

- 3.1 The use of the NR3 will become a statutory requirement from April 2023 when the remaining duties under the Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 come into force. The proposed Policy will set out how the Council will discharge its functions under the Act.

4. Alternative Options

- 4.1 There are no alternative options.

5. Background Information

- 5.1 On 18 January 2023 the Committee approved the draft NR3 Policy (Appendix 2) for the purposes of a six week consultation with the trade.
- 5.2 The National Register of Taxi Licence Revocations and Refusals (NR3) provides licensing authorities with the facility to share details of individuals who have had a hackney carriage or private hire licence revoked, or an application for one refused. The NR3 does not extend to vehicle or operator licensing decisions.

6. Detailed Considerations

- 6.1 Relatively few responses have been received to the consultation but of those received the majority support the proposals. The responses to the consultation are shown at Appendix 1.
- 6.2 The use of the NR3 register is included within the provisions of the Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 which received Royal Assent on 31 March 2022. Some of the duties came into force on 31 May 2022 and the remaining duties will be coming into force in April 2023.
- 6.3 The Act places duties on licensing authorities to improve information-sharing regarding taxi and private hire vehicle drivers for the purpose of safeguarding passengers, and road safety.
- 6.4 The effect for the Council of the Act coming into force will be to place a statutory obligation on the Council to use the NR3 database both to record information and to check applicants against information recorded by other Councils.

7. Equality, Diversity and Human Rights Implications

- 7.1 There are no adverse implications in implementing the Policy; there are positive outcomes in protecting all groups.

8. Community Safety

- 8.1 The Council expects all applicants to demonstrate that they are safe drivers with good driving records and adequate experience, sober, mentally, and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers. The adoption of the use of the NR3 is in line with the Department of Transport's Guidance, providing advice on the checking of suitability of individuals and operators to be licenced, which will safeguard children and vulnerable adults, and by extension the wider public.

9. Financial Implications

- 9.1 The Council is already a member of the Anti-Fraud Network. The Department of Transport is covering the cost of access to the NR3 and all licensing authorities will be given access to the NR3 for free.

10. Risk Management

- 10.1 The Council may licence someone whose licence has been refused or revoked by another Council, the adoption of the Policy will help to reduce this risk.

11. Standard References

- 11.1 There are no references to the strategic plan; publicity consideration; health and safety; or environmental or sustainability implications.

Consultation Responses

Thanks for your consultation email on a proposed national register of taxi licence refusals and revocations. I am wholeheartedly in favour of such a register, which has been long overdue. Anything to keep up the standards of drivers is welcome.

It seems more than reasonable to introduce a scheme such as NR3 and will be welcomed by anyone with nothing to hide. It will also serve to help protect the public from the small minority who bring disrepute on the taxi industry.

Am not happy with this policy. No

I think passport details should also added to stop people changing there ID .

as you ask for any Suggestions.

My Suggestion is every council should able to transfer and renew Hackney and private hire taxi licences without any issues.

For example: if one taxi driver from Colchester move to Manchester or Luton they should be allowed to exchange taxi licences from that authority without giving any more Tests without any hurdles. Makes life easy for Taxi drivers so they can moved to different cities with more comfort

This is great news! I fully support the NR3 policy. Well done !! Please implement as soon as possible

Really need to start getting a grip with the fake taxi drivers that are putting there services on social media

NR3 Policy

This Policy sets out how the Council will use the National Register of Taxi Licence Revocations and Refusals (NR3). The register provides licensing authorities with the facility to share details of individuals who have had a hackney carriage or private hire licence revoked, or an application for one refused. The NR3 does not extend to vehicle or operator licensing decisions.

1. Introduction

1.1 The key consideration of the Council in carrying out its functions in relation to the licensing of hackney carriage and private hire drivers is the safety of the travelling public.

1.2 The Council must not grant a driver's licence unless it is satisfied that the applicant is a fit and proper person to hold a licence. The Council is also entitled to suspend or revoke a licence if there is evidence to suggest that the individual is not a fit and proper person to hold a licence. The fit and proper test is an enduring duty placed on the Council which is relevant both at first licensing and for the lifetime of the licence.

2. General

2.1 In this Policy, the 'first authority' refers to a licensing authority which has made a specific entry onto the NR3. The 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

2.2 The term licence is used to refer to a hackney carriage drivers' licence, a private hire drivers' licence, and a combined dual licence. Any reference to a 'new' licence should also be read to include the 'renewal' of a licence.

3. Overarching principles

3.1 The Council will access and use information contained in the NR3 in accordance with this Policy. The NR3 contains information relating to the refusal to grant, or revocation of a licence. This information is important in the context of any subsequent application to another authority for a licence by a person who has previously had their licence refused or revoked.

3.2 The Council has registered to use and enter information onto the NR3. This means that when an application for a licence is refused or an existing licence is revoked, that information will be placed on the NR3.

3.3 Access to the NR3 is only provided where a licensing authority is a current member of the National Anti-Fraud Network and has signed data processor and data sharing agreements.

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3.4 When an application for a new drivers' licence or renewal of an existing drivers' licence is received, the Council will search the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this Policy. If details are found that appear to relate to the applicant, a request will be made for further details from the first authority that entered that information. The applicant will then be notified.

3.5 Any information that is received from another authority in respect of an application for a licence will only be used in relation to the applications and its determination and will not be used for any other purpose. Any information received relating to the applicant will only be kept for as long as is necessary to determine the outcome of their application. The period it takes to determine any application is variable and often depends on the applicant's circumstances and timely responses to further questions. Once an application is determined there may be a further period where it is necessary to retain information for purposes of notifying the applicant of the outcome their application, and for any period to accommodate an appeal against the Council's determination should the applicant so choose.

3.6 The data will be held securely in accordance with the Council's general policy on the secure retention of personal data which is available on the Council's website.

4. Requesting further information relating to an entry on the NR3

4.1 When an application is made for the grant of a new, or renewal of a licence the Council will check the NR3.

4.2 The Council will make and then retain a clear written record of every search that is made of the NR3. This will detail:

- the date of search
- the name or names searched
- the reason for the search – new application or renewal
- the results of the search
- the use made of the results of the search – (this may be entered to the NR3 at a later date once the application and appeal process has been fully concluded)

Search records will not be combined with other records and will be retained for a period of 25 years.

4.3 If the Council's search of the NR3 reveals a potential match, a request for further information will then be made to the first authority that made the entry. The request will be made in writing in accordance with the standard form (see Appendix 1). The form requesting further information used by the Council will be posted or emailed to the contact address of the first authority that made the NR3

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entry. The application process will thereafter pause until a suitable response to that request has been received by the Council.

5. Responding to a request for further information relating to an entry on the NR3

5.1 If the Council receives a request as first authority for further information from a second authority a clear written record of the request will be made. A record of the Council's response arising out of the request from the second authority will be retained for a period of 25 years.

5.2 The Council will then determine how to respond to the request. The Council will not simply provide information as a blanket response to every request.

5.4 Any disclosure must be considered and proportionate, taking into account the data subject's rights together with the role and responsibilities of a licensed driver. Whilst data is held on the NR3 for a period of 25 years, the Council (the first authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

5.5 Where the reason for refusal to grant or revoke a licence relates to a conviction, or caution, consideration will be further given to the full circumstances of the case prior to disclosure. Any information about convictions and cautions will be shared in accordance with this Policy by virtue of Part 2 of Schedule 1, Data Protection Act 2018 (DPA 2018). In so far, processing of data is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

5.6 In fulfilment of a request for further information from a second authority, the relevant officer will record what action was taken and why. The Council will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided, and details of any further advice obtained before the decision was made to make disclosure
- if information was not provided, why it was not provided, and details of any further advice obtained before the decision was made
- how and when the decision and any information was communicated to the requesting authority

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This record will not be combined with any other records and will be retained for a period of 25 years.

6. Using information obtained arising out of a request to a first authority

6.1 If the Council receives information arising out of a request that has been made to a first authority, it will take it into account (together with other information obtained as detailed in this Policy) when determining an application for the grant or renewal of a drivers' licence.

6.2 The Council will make and then retain a clear written record of the use that is made of the results of its request and the subsequent determination of the application for a licence (this information may be added to the NR3)

6.3 Information that is received may warrant significant weight being attached to it, but it will not be the sole determinant for any decision that the Council makes in relation to the application for which it was obtained.

7. New and Historical Data

7.1 The Council will upload new and historical revocation and refusal data to the NR3, and which 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

7.2 The Council will begin using the NR3 from _____. This means from that point:

- applications for new hackney carriage/PHV licences and for renewals will be checked on the NR3
- where an existing licence is revoked, or an application for renewal or a new licence is refused, this will be recorded on NR3

January 2023

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Appendix 1

Information Disclosure Form

This form is submitted following a search of the National Register of Refusals and Revocations (NR3).

Colchester City Council:

Requestor authority reference number:

Name of licensing authority from which information is sought:

Name of individual in respect of whom the request is made:

Decision in respect of which the request is made: Refusal / revocation

Other details for this record:

Address:

Driving licence number:

NI number:

Reference number:

Declaration by requesting authority:

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / PHV driver licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest. This request is being made under Schedule 2, Part 2 (7) of the Data Protection Act 2018.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV driver licences, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.

To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request can be accessed on the Council's website.

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Signed:

Name:

Position:

Date: (For completion by providing authority)

Further information to support the decision recorded on NR3 in respect of the above named individual:

Declaration by providing authority:

The authority hereby confirms that it has conducted a data protection impact assessment.

It also confirms that the information above is accurate and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / PHV driver licence, the above named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements.

Signed:

Name:

Position:

Date: