

## NATIONAL REGISTRATION OF REFUSALS AND REVOCATIONS

### Executive Summary

The purpose of this report is to seek approval for Woking Licensing Authority to be included and participate in the Local Government Associations National Register of Taxi Licence Revocations and Refusals (NR3).

### Recommendations

The Committee is requested to:

**RESOLVE That** the Local Government Associations National Register of Taxi Licence Revocations and Refusals (NR3) be adopted as policy and implemented in line with the guidance and timeframes laid out in this report.

The Committee has the authority to determine the recommendation(s) set out above.

**Background Papers:** None.

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## National Registration of Refusals and Revocations

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### 1.0 Introduction and Objective of NR3

- 1.1 Licensing Authorities are required to satisfy themselves that those holding hackney carriage and Private Hire Vehicle (PHV) driver licences are 'fit and proper' to do so. This is done firstly during the determination of an application for a licence, and then at any time during the currency of a licence. For example when evidence is obtained that suggests that a licensed individual is not a fit and proper person the licensing authority is entitled to suspend, revoke or refuse to renew a licence.
- 1.2 The process of assessing whether an applicant or licensee is 'fit and proper' may vary between authorities but there is widespread consensus on the need to increase consistency and set national minimum standards for the fit and proper test at a suitably high level. This would help prevent individuals who have had a licence revoked by one authority from simply going to another area and securing a licence - assuming the second authority was aware of the earlier revocation.
- 1.3 All authorities in Surrey already subscribe to a scheme whereupon the Criminal Convictions Policy is a Surrey-wide policy – with all authorities having the same levels and standards required for licensing.
- 1.4 At the moment, if drivers do not disclose information about a previous revocation or refusal of a licence, there is often no way for a licensing authority to find this information out. This means that vital intelligence about an applicant's past behaviour is being missed and an individual might be able to get a new licence in another area, despite having their licence revoked elsewhere. High profile instances of this happening have undermined public confidence in the safety of hackney carriages and PHVs, and left licensing authorities open to criticism for something that is currently very difficult for them to control.
- 1.5 In response to this issue, the Local Government Association (LGA) has commissioned the development of a national register of hackney carriage and PHV driver licence refusals and revocations, the 'National Register of Refusals and Revocations' or NR3. The new register will allow licensing authorities to record details of where a hackney carriage or PHV drivers' licence has been refused or revoked, and allow licensing authorities to check new applicants against the register. This should help to prevent people found to be not fit and proper in one area from securing a licence somewhere else through deception and non-disclosure.
- 1.6 The full guidance document produced by the Local Government Association is attached as Appendix 1.
- 1.7 Particularly of note is Section 4 (Pages 5-7) relating to an Overview of the NR3 project.
- 1.8 The Local Government Association has provided full information and processes (as evidenced by the Guidance Document in Appendix 1) and so it is clear that all Authorities will be operating to the same standards and methods.

### 2.0 Proposed Process

- 2.0 The first thing Woking Borough Council must do is adopt the Policy that allows the Licensing Team to participate in the NR3 Project.
- 2.1 In following the Local Government Association Guidance Document, the proposed Policy is attached as Appendix 2.
- 2.2 Once adopted, the next steps will be as follows:

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- In order to access NR3, the Council is required to electronically sign (via the website) the Data Processing and Data Sharing Agreements. The Local Government Association and the National Anti Fraud Network have written these agreements with high Legal Advice, taking in to account the General Data Protection Regulation, Data Protection Act 2018 and recently updated guidance, circulated by the LGA. This ensures that use of NR3 is compliant with both data protection and human rights legislation. Woking Borough Councils Legal Department have already viewed these documents and are content for us to sign them once we have authority to proceed from the Licensing Committee.
- Amend the Application packs and Taxi and Private Hire Drivers Handbook to include information on the NR3 Project (including the adopted Policy details).
- Amend the application forms so that all new applicants will be aware of the NR3 Project and the use of their data. This will be done in line with Section 5.1 of the NR3 Guidance, and using template wording as found in Annex A of the Guidance.
- Contact all currently issued licence holders (and those in the midst of applying or renewing) to inform them of the NR3 Project. This will be done in line with Section 6.2 of the NR3 Guidance and using the recommended LGA template as found in Annex B of the Guidance.
- Create a spreadsheet of proposed data for uploading to the NR3 in line with Section 4.3 of the NR3 Guidance.
- Contact all those whos data is proposed to be uploaded to the NR3, giving a timeframe in which for them to respond in line with Section 4.3 of the NR3 Guidance and using the recommended LGA template as found in Annex C of the Guidance.
- Upload the necessary data to the NR3.

2.3 Going forward, the Licensing Authority will abide by the NR3 Policy and follow the guidance of the LGA, as highlighted by Sections II and III of Annex A of the Guidance.

### 3.0 Recommendations

3.0 It is recommended that Woking Borough Council adopt policy relating to the Local Government Associations National Register of Taxi Licence Revocations and Refusals (NR3) and implement it in line with the guidance and timeframes as laid out in this report.

### 4.0 Implications

#### Financial

4.0 None – as Woking Borough Council already is a member of the National Anti Fraud Network, the host of the NR3 Project.

#### Human Resource/Training and Development

4.1 None

#### Community Safety

4.2 By considering the report and giving its decision, the Sub Committee/Council will have taken action that promotes Community Safety.

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### Risk Management

- 4.3 By following procedures as determined by Council, risk will have been considered subject to the appeals process as given above.

### Sustainability

- 4.4 None

### Equalities

- 4.5 None

### Safeguarding

- 4.6 The introduction of NR3 would be a significant improvement to the role of the Authority in relation to safeguarding.

REPORT ENDS