

STROUD DISTRICT COUNCIL
COMMUNITY SERVICES AND LICENSING
COMMITTEE

AGENDA
ITEM NO

7

23 JANUARY 2020

Report Title	NATIONAL REGISTER OF TAXI AND PRIVATE REVOCATIONS AND REFUSALS
Purpose of Report	To provide information about the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3 Register) so that Members can decide whether to adopt use of the register. This will enable Officers to check all new and renewal driver applications against the national register to establish whether they have had a licence revoked or application refused by another authority.
Decision(s)	The Committee RESOLVES: a) To ADOPT use of the National Register of Taxi and Private Hire Revocations and Refusals (NR3) from 1 April 2020. b) To ADOPT a Policy on how the Council will share, receive and use information on the Register as set out in Appendix A c) To ADOPT additional wording for Stroud District Council's Taxi and Private Hire Policy as set out in Appendix B.
Consultation and Feedback	Stroud District taxi and private hire drivers have been notified of the Council's intention to use the Register in Stroud District Council's Taxi and Private Hire Newsletter December 2019.

<p>Financial Implications and Risk Assessment</p>	<p>There are no direct financial implications arising from this report as the resolution is to adopt a register and policy for information purposes.</p> <p>Adele Rudkin, Accountant Tel: 01453 754109, Email: adele.rudkin@stroud.gov.uk</p> <p>Risk Assessment Failure to adopt use of the Register could mean that vital intelligence about an applicant's past behaviour is missed and an individual might be able to get a new licence, despite having their licence revoked elsewhere. High profile instances of this happening have undermined public confidence in the safety of hackney carriages and private hire vehicles.</p> <p>Using the Register in accordance with the Policy laid out in Appendix A, which reflects the Guidance issued by the LGA, will ensure that personal data is retained and shared in full compliance with data protection principles.</p> <p>Rachel Andrew, Principal Licensing Officer Tel: 01453 754401 Email: rachel.andrew@stroud.gov.uk</p>
<p>Legal Implications</p>	<p>There are data protection implications arising from the recommendations in this report which have been set out in the body of the report. The LGA Guidance on adopting the National Register of Taxi Licence Revocations & Refusals (NR3) provides clear guidelines in this regard and is reflected in the report and its appendices.</p> <p>Patrick Arran, Interim Head of Legal Services & Monitoring Officer Tel 01453 754369 Email: patrick.arran@stroud.gov.uk</p>
<p>Report Author</p>	<p>Rachel Andrew Principal Licensing Officer Tel:01453 754401 Email:rachel.andrew@stroud.gov.uk</p>
<p>Options</p>	<p>The Committee can either decide to utilise the register or not, but officers strongly recommend that the register is adopted from a public protection standpoint</p>
<p>Appendices</p>	<p>Appendix A – Stroud District Council's Policy on sharing, receiving and use of information from the National Register of Taxi Licence Revocations and Refusals (NR3) Appendix B – Extra wording to insert into Stroud District Council's General Taxi and Private Hire Policy</p>

1 Background

- 1.1 Stroud District Council has a responsibility to ensure that all persons granted a licence to drive a taxi or private hire vehicle are 'fit and proper' persons.
- 1.2 The Council can undertake whatever checks it feels are appropriate in order to determine the fit and proper test. Stroud District Council's Taxi and Private Hire Licensing Policy lays out the procedures and checks that this Council undertakes. These checks include Enhanced Criminal Record Checks, DVLA history checks, medicals and driving skills assessments

2 National Taxi Revocation and Refusals Register

- 2.1 The National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3) allows local authorities to check whether any applicant has had a licence revoked or an application refused by another authority.
- 2.2 The Register has been commissioned by the Local Government Association (LGA) and it is hosted on the National Anti-Fraud Network's (NAFN) website
- 2.3 When an authority revokes a licence, or refuses an application or renewal application for one, it will record this information on the register. The information recorded will be limited to basic details to identify the driver, the decision taken and the date
- 2.4 Licensing authorities can search the register when they are processing new applications or renewal applications. Where an authority finds a match for their applicant on the register, it will contact the licensing authority that recorded the entry to seek more information which will then be used to help reach a decision on the application.

3 Local Government Association (LGA) Guidance

- 3.1 The LGA has issued guidance to local authorities. The document gives information on the steps that licensing authorities should take to ensure that they have the necessary supporting procedures in place to make use of the register.
- 3.2 Importantly local authorities must ensure that they are taking the necessary steps to comply with data protection and other laws. (Set out below)
- 3.3 In summary, steps that licensing authorities must take include:
 - Having a clear and published policy which governs the Licensing authority's use of the register and its approach to the circumstances in which it will share, receive and use information from the register.
 - Updating taxi and private hire licensing policies to reflect the use of the register.
 - Informing new applicants and existing licensed drivers that the Council will be using the register.
 - Deciding whether any previous revocations or refusals must go on the register and notifying those persons.

- Updating procedures to ensure that all new and renewal driver applications are checked against the register.

4. Data Protection Considerations

- 4.1 Any processing of data must be for a lawful purpose. In relation to the register, the public task basis (Article 6(1) (e) will be applicable, this gives the Council a lawful basis for processing data where:

“processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller”

This will apply to the Council if it is either:

- carrying out a specific task in the public interest which is laid down by law; or
 - exercising official authority (for example, a public body’s tasks, functions, duties or powers) which is laid down by law.
- 4.2 The Council will need to ensure that any individual whose data is uploaded or entered onto NR3 is made aware of this. Data subjects must be made aware of the collection, storage and use of their personal data via a privacy notice.
- 4.3 Details will be kept on the register for a period of 25 years, and the Council will need to ensure that the relevant information retention policy reflects this. This will need to make reference to the NR3 retention period, the associated retention period for supporting taxi licence data, and the rationale for it.
- 4.4 Subscribing to the national register will require local authorities to sign up to data sharing and data processing agreements with NAFN. These agreements outline the necessary steps the authority will need to take to ensure compliance and will cover requirements under both the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA).
- 4.5 When considering applications for licensing, the Council will need to ensure that applicants are given the contact details of the data protection officer, contact details for NAFN, and are advised of the fact that the information can be retained for up to 25 years and the fact they have a right to lodge a complaint with the Information Commissioner, together with the contact details for the Information Commissioner. This information can be provided in a privacy notice when an applicant applies for a licence.
- 4.6 For current licensees or applicants, the Council will need to ensure that information about NR3 is included in:
- licensing policies
 - application forms
 - correspondence to named individuals confirming that a licence has been revoked, or that an application for a licence has been refused.

- 4.7 As well as new applicants, the Council will need to make existing licensees aware of the fact that the authority has signed up to the register, and that if their licence is subsequently revoked or not renewed, this will be recorded.

5 Stroud District Council's Policy

- 5.1 The LGA guidance includes suggested wording that local authorities may wish to use for their Policy on use of the register and how they will share, receive and use information in relation to the register. This policy, should be approved and then must be published on the Council's website. A draft policy for Stroud District Council, based on the LGA guidance is Appendix A to this Report.
- 5.2 The LGA guidance also includes suggested wording to insert into local authority taxi and private hire licensing policies explaining to applicants that the Council will be using the register and the procedure. Draft wording to be inserted in Stroud District Council's taxi and private hire policy is Appendix B to this report.

6 Recommendation

- 6.1 It is recommended, in the interest of public safety, that Committee adopts use of the National Register of Taxi Revocations and Refusals in order to help Officers establish whether applicants are 'fit and proper' to hold a taxi licence.
- 6.2 It is recommended that Committee adopts the Policies in Appendix A and B to ensure that use of the Register is fully compliant with data protection principles and that applicants understand the use of the register.
- 6.3 It is recommended that use of the Register is implemented from 1 April 2020 which will give Officers time to give notification of the adoption to existing taxi and private hire licence holders and to update relevant forms.