

# North Tyneside Council

## Report to Cabinet

### Date: 25 November 2019

#### Title: Adoption of the National Register for Taxi Licence Revocations and Refusals

<b>Portfolio:</b>	<b>Community Safety and Engagement</b>	<b>Cabinet Member:</b>	<b>Councillor Carole Burdis</b>
<b>Report from Service Area:</b>		<b>Environment, Housing and Leisure</b>	
<b>Responsible Officers:</b>	<b>Phil Scott Head of Environment, Housing and Leisure</b>	<b>Tel: (0191) 643 7295</b>	
<b>Wards affected:</b>	<b>All</b>		

#### **PART 1**

##### **1.1 Executive Summary:**

This report details the proposed use of a National Register, referred to as the National Register of Taxi Licence Revocations and Refusals ("the National Register") and the steps that need to be taken by the Authority if it wishes to make use of the Register. In addition to referring to the Register, the Authority will provide information for inclusion in the Register regarding hackney carriage and private hire drivers that have either had a licence revoked or refused by the Authority.

The adoption of the use of the National Register by the Authority will enable officers to consult the Register as part of the application process for a hackney carriage and private hire driver's licence and therefore assist in protecting the public, which is the paramount consideration when dealing with the licensing of hackney carriage and private hire drivers.

##### **1.2 Recommendation:**

It is recommended that the Cabinet:

- (1) agree to the adoption by the Authority of the use of the National Register of Taxi Licence Revocations and Refusals developed by the Local Government Association and the National Anti-Fraud Network and to the sharing of information held by the Authority with the National Anti-Fraud Network and other licensing authorities as appropriate for inclusion in the National Register;

- (2) authorise the Head of Environment, Housing and Leisure to amend the Hackney Carriage and Private Hire Licensing Policy to make reference to the use of, and contribution to, the National Register of Taxi Licence Revocations and Refusals as appropriate; and
- (3) authorise the Head of Environment Housing and Leisure to enter into an appropriate Data Sharing Agreement and Data Processing Agreement and any other documentation that may be required from time to time as part of the adoption of the use of the National Register of Taxi Licence Revocations and Refusals and the sharing of information by the Authority with the National Anti-Fraud Network and other licensing authorities as appropriate, following consultation with the Head of Law and Governance.

### **1.3 Forward Plan:**

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 13 September 2019.

### **1.4 Council Plan and policy framework:**

This report relates to the following priorities in the 2018-2020 Our North Tyneside Plan:

Our Places will:

- Provide a clean, green, healthy, attractive, safe and sustainable environment

Our People will:

- Be healthy and well

### **1.5 Information:**

#### **1.5.1 Local context**

When considering applications for hackney carriage and private hire driver's licences, the Authority must be satisfied that the applicant is a fit and proper person to be granted a licence. As part of the application process an applicant is asked if they have ever had a licence application refused or revoked by another licensing authority. Currently the answer given to this question is checked against a Regional Register that the 12 North East licensing authorities have adopted and update on a regular basis. However, before the introduction of the National Register it was not been possible to check for the refusal or revocation of an individual's licence outside the North East region.

#### **1.5.2 National Register of Taxi Licence Revocations and Refusals**

The Local Government Association and the National Anti-Fraud Network have implemented the National Register and this Register is to be known as the 'NR3 Register'. The National Register is a mechanism that enables licensing authorities to share details of individuals who have had a hackney carriage or private hire driver licence revoked or an application for such a licence refused and the reason for the revocation or refusal.

The adoption of the use of the National Register will enable the following to occur:-

- When a hackney carriage or private hire driver's licence is revoked, or an application for a licence is refused, the Authority will automatically record this decision for inclusion in the National Register;
- The checking of all applications for a new licence or licence renewal against the National Register.

The Local Government Association and National Anti-Fraud Network have issued guidance which is attached to Appendix A of this report. The guidance stipulates the procedure that a local authority should follow in order to provide information for inclusion in the National Register and for the Authority to access the Register.

The National Register will be hosted by the National Anti-Fraud Network. The information recorded in the Register 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.

Information will be retained in the National Register for a period of 25 years as recommended in the Guidance.

If a search of the National Register results in a match with the applicant, or existing driver on renewal of a licence, the Authority will seek further information about the entry in the Register from the Authority that recorded that information. Any information received because of a Register search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

Historic information concerning revocations and refusals of licences 7 years old and less will be added to the National Register. Before an individual's information is added to the National Register, the Authority will write to the individual whose information is recorded in the National Register stating that the information will be uploaded at a future date and informing the individual of the purpose of sharing that information and their legal right to object to the inclusion of their information in the National Register. The Authority will then consider any objections to their information being included in the Register.

### 1.5.2 Data Sharing and Data Processing Agreements

New applicants and existing drivers seeking to renew their licences will be made aware of the National Register by details of the Register being included in the application forms completed by them. The application form will inform applicants that their information may be uploaded to the National Register if their application is refused, a licence renewal refused or their licence subsequently revoked.

On subscribing to the use of the National Register the Authority will be required to sign up to a Data Sharing and Data Processing Agreements with the National Anti-Fraud Network.

In addition to signing up to the Data Sharing and Data Protection Agreements, the Authority will be required to operate in accordance with the attached Data Protection

Policy which governs the circumstances in which the Authority will share information with other licensing authorities that have requested more detailed information regarding a particular individual driver that appears in the National Register. The Authority will need to satisfy itself that it has followed the appropriate processes in sharing this information with other licensing authorities. The Data Protection Policy is attached at Appendix B to this report.

#### **1.5.3 North Tyneside Council Hackney Carriage and Private Hire Licensing Policy**

If the adoption of the use of the National Register is approved by Cabinet it will be necessary to amend the North Tyneside Hackney Carriage and Private Hire Licensing Policy to reflect the use of the National Register and new processes arising from it, including the sharing of data with the National Anti-Fraud Network and other licensing authorities.

#### **1.6 Decision Options:**

The following decision options are available for consideration by Cabinet:

##### Option 1

Cabinet agree to the adoption by the Authority of the use of the National Register of Taxi Licence Revocations and Refusals and the sharing of information with the National Anti-Fraud Network and other licensing authorities as part of the use of the National Register in accordance with the Data Sharing Agreement, Data Processing Agreement and Data Protection Policy.

##### Option 2

Cabinet does not agree to the adoption of the use of the National Register of Taxi Licence Revocations and Refusals.

Option 1 is the recommended option.

#### **1.7 Reasons for Recommended option:**

Option 1 is recommended as it will enable the Authority to undertake checks of a National Register to ascertain if individuals applying to the Authority for a hackney carriage or private hire driver's licence have been refused a licence by a licensing authority or have had a licence revoked by a licensing authority in England or Wales. Having this additional information will assist in deciding if such individuals are fit and proper persons to hold such licences and will be an additional means of ensuring the safety of the travelling public in the Borough.

#### **1.8 Appendices:**

Appendix A: Guidance on adopting the National Register of Taxi Licence Revocations and Refusals .

Appendix B: Data Protection Policy

## **1.9 Contact Officers:**

Colin MacDonald, Senior Manager Technical & Regulatory Services, (0191) 643 6620  
Joanne Lee, Public Protection Manager, (0191) 643 6901  
Alan Burnett, Trading Standards and Licensing Group Leader, (0191) 643 6621  
John Barton, Lawyer, (0191) 643 5354  
David Dunford, Acting Senior Business Partner, (0191) 643 7027

## **1.10 Background Information:**

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- 1) [North Tyneside Council Hackney Carriage and Private Hire Licensing Policy](#)

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and Other Resources:**

There are no financial implications directly arising from the report. The Authority is already an existing member of National Anti-Fraud Network and there will be no additional costs associated with adoption of the NR3 register.

### **2.2 Legal:**

The adoption of the routine use of the National Register of Taxi Licence Revocations and Refusals will permit the Authority to have access to information that it may not otherwise have had access to. Having access to such information will strengthen the Authority's ability to make an informed determination on whether an applicant or existing driver, is, or remains, a fit and proper person to hold a hackney carriage or private hire driver's licence.

Whereas the Executive cannot make decisions in relation to the licensing of individual drivers, under the legislation governing hackney carriage and private hire vehicles, it is permitted to adopt the use of a Policy such as the Hackney Carriage and Private Hire Licensing Policy that will be considered when individual decisions are made by the Regulation and Review Committee. It is proposed that the Hackney Carriage and Private Hire Licensing Policy will make reference to the use of the National Register of Taxi Licence Revocations and Refusals if the use of the National Register is approved by Cabinet. In addition, the Authority as a responsible licensing authority will share information with other licensing authorities seeking information on a particular driver for legitimate licensing purposes, and when it is deemed to be in the public interest to share this information.

Any information held by the Authority can only be shared with third parties if it is lawful to do so in accordance with the Data Protection Act 2018 and the General Data Protection Regulation. To ensure that any information held by the Authority is shared in a lawful manner, the Authority will enter into a Data Sharing Agreement and Data Processing Agreement with the National Anti-Fraud Network.

## **2.3 Consultation/Community Engagement:**

### **2.3.1 Internal Consultation**

Internal consultation has taken place with the service area.

### **2.3.2 External Consultation**

Applicants and licensed drivers will be advised of the NR3 on application and when backdated information is entered onto the NR3.

## **2.4 Human Rights:**

There are aspects of the administration of licences that may impact on the human rights of individuals residing in the Borough and licence holders.

Article 1 of the First Protocol entitles a person to the peaceful enjoyment of his possessions. A possession may include the goodwill that such a Licence may generate. However, balanced against that is the ability of the licensing authority to enforce such laws under the Act as is necessary to control the use of such property, including a licence.

## **2.5 Equalities and Diversity:**

There are no equality and diversity implications directly arising from this report.

## **2.6 Risk Management:**

There are no risk management implications directly arising from this report. Risks associated with delivery of the Authority's Public Protection function are monitored via the Technical Services Partnership risk arrangements included within the strategic partnership governance framework.

## **2.7 Crime and Disorder:**

The National Register will enable applicants to be checked for previous revocation and refusals and will contribute towards ensuring the safety of the travelling public and preventing crime and disorder.

## **2.8 Environment and Sustainability:**

There are no environment and sustainability implications arising from this report.

### **PART 3 – SIGN OFF**

- Chief Executive ☒
- Head of Service ☒
- Mayor/Cabinet Member(s) ☐
- Chief Finance Officer ☒
- Monitoring Officer ☒
- Head of Corporate Strategy  
and Customer Service ☒