

# National Register of Taxi Licence Refusals and Revocations

Report of the Head of Legal and Democratic (Portfolio: Corporate)

## Recommended:

**That approval is given for participation in the national database of taxi driver licence refusals, suspensions and revocations.**

### SUMMARY:

- A new national register of taxi driver licence refusals, suspensions and revocations has been introduced.
- It is recommended that the Council participate in using the register to check if applicants for new taxi driver licences have been refused, revoked or suspended elsewhere thus ensuring only fit and proper persons are licensed.

## 1 Introduction

- 1.1 Previously there has been no national database of licensed taxi drivers and so no way for Councils to check (other than by disclosure by an applicant as required on the application form) whether they have had a licence refused, revoked or suspended by a Council in another area.
- 1.2 A Private Members Bill tabled by Daniel Zeichner MP and supported by the Local Government Association (LGA) aimed to put a statutory duty on licensing authorities both to share information about licences they have revoked, refused or suspended on a register, and to check the register in respect of every new and renewal application. Unfortunately this Bill was unsuccessful and fell during its second reading in Parliament on 2 February 2018.

## 2 Background

- 2.1 In the absence of a statutory national register the LGA has proposed a voluntary national database and has commissioned the National Anti-Fraud Network (NAFN) to develop and host the register. NAFN is a shared service, hosted by Tameside Council, which supports public authorities to tackle fraud and share intelligence. NAFN have been working with the LGA to develop the register and it is now set to go live.

- 2.2 Under the scheme licensing authorities will be responsible for adding basic details of drivers who have had applications for a licence refused, or their licence suspended or revoked. The intention is that when a licensing authority receives an application for a licence, the applicant's details will be run through the register to confirm that there is no record of them having been refused or revoked elsewhere. Details contained on the register will be limited to information that will help identify an individual to a certain degree of accuracy, but will not give a reason why actions were taken. It will be up to individual authorities to follow up any searches which come back with a match.

### **3 Corporate Objectives and Priorities**

- 3.1 This matter does not directly align with the Council's Corporate Priorities. However, Hackney Carriage and Private Hire licensing falls within the broader remit of public safety. In deciding whether a licensed driver should be issued with and then retain their licence, the overriding consideration will be the protection of the public.

### **4 Consultations/Communications**

- 4.1 There has been no consultation with the taxi trade on this matter. The Council has been contacted by both the LGA and NAFN in respect of the introduction of the national register.

### **5 Options and Option Appraisal**

- 5.1 The Council has the choice of whether or not to participate in the national register. It is felt that the development of a national register is an important step to tackling the issue of individuals making applications to different licensing authorities following a refusal or revocation. At the moment, if drivers do not disclose information about a previous revocation or refusal of a licence, there is often no way for the Council to find this information out. This means that vital intelligence about an applicant's past behaviour could be missed and an individual might be able to get a new licence in another area, despite having their licence refused or revoked elsewhere.
- 5.2 In light of the ongoing discussions and concerns about safeguarding in the taxi trade it is felt that the only option for the Council is to participate in the national register. This will assist the Council in addressing concerns relating to licensed individuals and those seeking to be licensed with a view to maintaining public safety.
- 5.3 Participation in the new register is also in line with the recommendation of the recently published report of the [Parliamentary] Task and Finish Group on Taxi and Private Hire Vehicle Licensing which states: "All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All refusals and revocations must be recorded, and the register checked for all licence applications and renewals. Licensing authorities must retain the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database."

## **6 Resource Implications**

- 6.1 There are no direct resource implications as a result of the recommendation. Participation in the national register requires the Council to become a member of NAFN but membership is already in place through the Revenues Service who subscribe to NAFN in respect of pursuing non-payment of monies owing to the Council. Should that membership be cancelled at some stage in the future then the annual membership fee of £1000 could be paid from the licensing budgets as the LGA advise membership would be a legitimate cost to be recovered from licensing fees.

## **7 Legal Implications**

- 7.1 Access to the national register is conditional upon the Council agreeing to a data processing and data sharing agreement with NAFN to comply with the Data Protection Act and General Data Protection Regulations which came into force in May 2018.

## **8 Equality Issues**

- 8.1 No differential equality impacts have been identified.

## **9 Other Issues**

- 9.1 Community Safety – none other than the general comments in paragraph 3.1 above.
- 9.2 Environmental Health Issues – no implications identified.
- 9.3 Sustainability and Addressing a Changing Climate – no implications identified.
- 9.4 Property Issues – no implications identified.
- 9.5 Wards/Communities Affected – none specific but potentially the whole Borough.

## **10 Conclusion**

- 10.1 There are no risks to the Council from participating in the national register. There are risks to the Council should it be decided not to participate in the register which would include issuing licences to drivers which have been refused or revoked at other authorities. In addition, non-participation may increase driver applications to the Council from those individuals that are listed on the register. On balance, participating in the new national register is considered beneficial in ensuring the Council addresses its responsibilities in achieving public safety.

Background Papers (Local Government Act 1972 Section 100D)

Guidance on adopting the National Register of Taxi Licence Revocations and Refusals (NR3) issued by the LGA and NAFN

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	None		
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