



# Northumberland County Council

COMMITTEE Licensing and Regulatory Committee

DATE: 24 October 2018

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## **Report of National Register of Taxi Licence Revocations & Refusals**

**Report of the Interim Director of Place: Mr Paul Johnston**

**Cabinet Member: Councillor John Riddle**

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### **Purpose of report**

To advise the Committee of the National Register of Taxi Licence Revocations & Refusals and to approve the relevant policy.

### **Recommendations**

Members are recommended to note the content of the report and adopt the attached policy

### **Link to Corporate Plan**

This report is relevant to the enjoying, thriving and living priorities priority included in the NCC Corporate Plan 2018-2021

### **Key issues**

1. Licensing Authorities are required to satisfy themselves that those holding hackney carriage and Private Hire Vehicle (PHV) driver licences are 'fit and proper'. In a case where 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.
2. The process of assessing whether an applicant or licensee is 'fit and proper' varies between authorities. 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 make it harder for individuals who have had a licence revoked by one authority from applying to another area and succeed in obtaining a licence with the second authority as they were not aware of the earlier revocation.

3. Currently, 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.
4. High profile cases 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.
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' (NR3).
6. 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. NR3 does not however extend to vehicle or operator licensing decisions.
7. Licensing authorities will be data controllers in relation to the processing of personal data in connection with NR3, including in relation to uploading information to NR3, consulting NR3, and disclosing or receiving information about individuals who appear on NR3.
8. The objective of the national register is to ensure that authorities are able to make informed decision on whether an applicant is fit and proper knowing that another authority has previously reached an unfavourable view on the same applicant. This will be achieved by providing a mechanism for licensing authorities to be able to check whether an individual has had a licence refused or revoked.
9. The purpose of the register is not to imply that an applicant who has been refused a licence on one occasion from another authority will always be refused. However, it will always be relevant for an authority to consider a previous refusal or revocation, and the reasons for that decision.
10. To comply with the Data Protection Act, the General Data Protection Regulation, and the Human Rights Act, it is essential that the first authority which provides information about entries on the NR3 register, and the second authority that requests and receives the information, have a clear policy detailing how and when

such information will be requested and provided, and how any information provided could then be used.

11. The draft policy attached (**Appendix A**) is a suggested policy provided by the LGA to address those situations. As each authority that signs up to the NR3 may at some point be both the first authority and the second authority for the purposes of this policy, the policy is drafted as a chronological progression through the process an authority may work through as either the first or second authority.

## BACKGROUND PAPERS

Guidance on adopting the National Register of  
Draft NR3 Policy

Appendix A

### Implications

<b>Policy</b>	The LGA recommends the adoption of the attached policy.
<b>Finance and value for money</b>	None
<b>Legal</b>	As above.
<b>Procurement</b>	None
<b>Human Resources</b>	The use of the NR3 will result in addition administration tasks for the Licensing Section.
<b>Property</b>	None
<b>Equalities</b> (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
<b>Risk Assessment</b>	
<b>Crime &amp; Disorder</b>	The NR3 scheme should help reduce crime by reducing access to taxi licences by unsuitable persons.
<b>Customer Consideration</b>	None
<b>Carbon reduction</b>	None
<b>Wards</b>	All

**Report sign off.**

***Authors must ensure that officers and members have agreed the content of the report:***

	initials
Monitoring Officer/Legal	
Executive Director of Finance & S151 Officer	
Relevant Executive Director	
Chief Executive	
Portfolio Holder(s)	

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