

**National Register of Taxi and Private Hire Licence  
Revocation and Refusals NR3**

Portfolio:	Community
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Ward(s) Affected:	All
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**Purpose**

**To consider adopting the National Register of Taxi and Private Hire licence revocation and refusals NR3 and the guidance by the Local Government Association (LGA) and National Anti-Fraud Network (NAFN).**

**1. Background**

- 1.1 Licensing authorities are required to satisfy themselves that those holding hackney carriage (HCV) and private hire (PHV) vehicle 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.
- 1.2 The process of assessing the 'fit and proper' test varies between authorities and there is widespread recognition of the need to increase consistency and introduce national standards.

**2 Current Position**

- 2.1 Currently if applicants do not disclose information about a previous revocation or refusal of a licence, there is often no way for a licensing authority to uncover this information. This means that vital intelligence about an applicant's past behaviour is being missed and an individual might be able to obtain a new licence in another area, despite having their licence revoked elsewhere.

**3 Proposal**

- 3.1 In response to this issue, the Local Government Association (LGA) commissioned the National Anti-Fraud Network (NAFN) and the National Register of Refusals and Revocation NR3 (the register).
- 3.2 The 'register' allows licensing authorities to record details where a hackney carriage or private hire drivers licence has been refused or revoked and allows other licensing authorities to check new applicants against the 'register.' The 'register' does not however extend to vehicle or operator licensing decisions.
- 3.3 In using the 'register' authorities will be assisted in making an informed decision whether an applicant is fit and proper knowing that another authority has previously reached an unfavourable view of the same applicant.
- 3.4 Receipt of information from 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.
- 3.5 Attached to this report at Appendix A is the guidance on adopting the 'register' produced by the LGA and NAFN. The guidance stipulates the procedure that a local

authority would need to follow in order to provide data for the 'register' and for the Council to access the data.

- 3.6 If the committee is minded to adopt the 'register,' it will involve the Council providing information for the database on revoked or refused licences and responding to information requests on these data subjects in the event the person applies to another local authority for a licence.
- 3.7 When a person applies for a licence, the database will be checked by a licensing officer and if an applicant appears on the database, an information request will be sent to the appropriate local authority. These checks would be carried out on new and existing drivers.
- 3.8 The reasoning behind checking existing drivers is that a driver is free to obtain a licence with any other authority and are not obliged to inform either authority that they hold other licences. Officers are aware of drivers in Surrey Heath who hold licences with other authorities. The situation may arise where a drivers receives revocation or suspension of their licence with another authority and being unaware Surrey Heath would continue to licence them thereby putting the public at risk.
- 3.9 With particular reference to the Guidance Section 4.3 refers to historic data migration and refers to data being retained for 25 years on the 'register.' Enquiries have been made to ascertain how many applicants have had their licence/application revoked or refused and it appears from initial checks that this is a relatively low number (2) have been identified so far. It will be necessary to write to each previously revoked or refused applicant and advise them that their information will be uploaded to the 'register' and the reasons for this. An individual may request that the information is not uploaded and any requests of this nature will be fully considered before a final decision is made.
- 3.10 Application forms will be amended to refer to the 'register.'
- 3.11 New applicants will be made aware of the 'register' by changes to the application form this will inform applicants of the 'register' and that their information may be uploaded to it if their application is refused or any subsequent granted licence being revoked.
- 3.12 All existing licence holders will be made aware of the 'register' by way of a letter and email, the Council's website and application forms.

#### **4 Resource Implications**

- 4.1 Section 4.1 of the Guidance refers to membership of the NAFN and the need to sign-up data sharing and data processing agreements with NAFN. The Council is already a member of NAFN but there will be a small additional cost of £10 for database registration.
- 4.2 The use of the 'register' will result in additional administration; this check would be added to the existing application process and will be accomplished in a few minutes. Further checks with other authorities, when these are required and are estimated to take no more than 15 minutes; this simply involves the completion of our data disclosure form.

## **5 'Other' Implications**

- 5.1 There are currently no statutory requirements for a local authority to participate in the 'register' although the subject of a national 'register' has recently been included as part of a consultation on statutory guidance for licensing authorities from the Department of Transport.
- 5.2 Failure to adopt the 'register' may lead to a reputational risk to the authority for not following LGA guidance.
- 5.3 There is also the reputational risk that this Council may grant a licence to a driver who another authority has deemed as being unsuitable.

## **6. Recommendation**

- 6.1 The Committee is advised to RESOLVE that upon the guidance of the Local Government Association the National Register of Taxi and Private Hire Licence Revocation and Refusal (NR3) be adopted.

Background Papers: LGA – Guidance on adopting the National Register of Taxi Licence Revocations and Refusals (NR3)

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