



EXECUTIVE MEMBER DECISION

REPORT OF:	Executive Member for Environment
LEAD OFFICERS:	Director of Environment and Operations
DATE:	17 May 2019

PORTFOLIO/S AFFECTED: Environment

WARD/S AFFECTED: All

SUBJECT: Update of Blackburn with Darwen Borough Council Hackney Carriage and Private Hire Licensing Policy to include use of the National Register of Taxi Licence Revocations and Refusals.

1. EXECUTIVE SUMMARY

1.1 Licensing Authorities must satisfy themselves that anyone driving a private hire or hackney carriage vehicle is fit and proper to do so. Initially this is done at the application stage for a new or renewal of a licence and then at any time during the life of the licence. Authorities may refuse a licence or if evidence suggests may suspend, revoke or refuse to renew.

1.2 Currently when a driver who does not disclose information about a previous revocation or refusal of a licence there is often no way for a licensing authority to find out about it. This means that vital information about a driver's past behaviour is missed and a driver might be granted a licence in a new area despite having a licence revoked elsewhere.

1.3 In response to this the Local Government Association (LGA) have commissioned the development of a national register of all revoked and refused private hire and hackney carriage drivers licences (NR3). This will allow licensing authorities to record their refusals and revocations and check new applicants against the register.

1.4 Guidance has been issued by the LGA on how to implement use of the register. Authorities will need to update policies, provide historical data to the database and amend forms and information given to drivers. In particular, all the drivers who have been refused or revoked in the past will need to be written to individually and informed that their details will be entered onto the register.

1.5 The Taxi Licensing Policy has been updated to reflect the use of the NR3 register. The proposed policy is at Appendix 1.

2. RECOMMENDATIONS

That the Executive Member:

Agree the changes to the Hackney Carriage and Private Hire Licensing Policy.

3. BACKGROUND

3.1 The simple objective of the NR3 is to ensure that all authorities are able to make properly informed decisions on whether an applicant is fit and proper, in the knowledge that another authority has reached a negative view on the same applicant. This will be achieved by providing a mechanism for allowing authorities to check. Whenever an authority receives an application for a licence they must check at an early stage if that driver is on the register.

3.2 Every decision must be made on its own merits; a previous refusal or revocation cannot fetter the Licensing Authorities decision by relying on the previous decision. The purpose of the register is not to mean that a person who has been refused a licence on one occasion should always be refused. However, it will always be relevant for an authority to consider the previous revocation or refusal and reasons for it.

3.3 The register will be hosted by the National Anti-Fraud Network (NAFN) through a dedicated secure portal. An officer will be designated as a Single Point of Contact to input and retrieve information from the register. Data sharing agreements will need to be signed to ensure compliance with General Data Protection Regulations (GDPR) and the Data Protection Act 2018.

3.4 Historic data will be migrated onto the register and details will be stored for up to 25 years.

4. KEY ISSUES & RISKS

4.1 Licensing authorities will be data controllers in relation to their 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. To mitigate this risk a Data Protection Impact Assessment has been completed – see appendix 2.

5. POLICY IMPLICATIONS

5.1 The proposed amendments to the Hackney Carriage and Private Hire Licensing Policy will strengthen the Licensing Authority's ability to obtain intelligence for use in determining the safety and suitability of applicants for hackney carriage and private hire drivers' licences.

6. FINANCIAL IMPLICATIONS

6.1 The cost of subscribing to NR3 will be built into the calculation of the licence fees for hackney carriage and private hire drivers' licences.

7. LEGAL IMPLICATIONS

7.1 None

8. RESOURCE IMPLICATIONS

8.1 Work associated with the use of NR3 will be performed by current staffing resource.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 ☒ Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 ☐ In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 ☐ In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

Blackburn with Darwen Borough Council's Licensing Committee were consulted regarding the use of Nr3 at a meeting on 30 October 2018.

All licence holders and applicants who had a licence revoked or refused in the past 7 years have been individually consulted in writing.

The Council's Information Governance Officer has been consulted.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1
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DATE:	9 April 2019
BACKGROUND PAPER:	