

# **BRIDGEND COUNTY BOROUGH COUNCIL**

## **REPORT TO LICENSING COMMITTEE**

**25 FEBRUARY 2020**

### **REPORT OF THE CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES**

#### **NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS & REFUSALS (NR3)**

##### **1. Purpose of report**

- 1.1 The Local Government Association (LGA) has commissioned the development of a national register of hackney carriage/private hire driver licence refusals and revocations. The aim is to assist local authorities in determining whether applicants are 'fit and proper' to obtain a licence.
- 1.2 This report is to advise the Committee of the functionality of the register and to approve the publication of a policy to cover the use of NR3.

##### **2. Connection to corporate improvement objectives/other corporate priorities**

- 2.1 There is no direct link to the Corporate Improvement Plan / Other Corporate Priority.

##### **3. Background**

- 3.1 The National Register of Taxi Licence Revocations and Refusals (NR3) is a mechanism for licensing authorities to share details of individuals who have had a hackney carriage/private hire driver's licence revoked, or an application for one refused. The register is hosted by National Anti-Fraud Network (NAFN). The NAFN and LGA guidance on the use adoption of the NR3 register is detailed in Appendix A.
- 3.2 Until the establishment of the register, unless disclosed by the applicant, the Licensing Authority had no consistent way of knowing if that applicant had previously been refused or revoked by another Licensing Authority. This means in determining whether an applicant is a 'fit and proper' person to hold a licence, vital information in the interest of public safety could have been missed.
- 3.3 For example if a driver was revoked by a local authority following a complaint about inappropriate behaviour towards a passenger, that driver could apply for a licence with another licensing authority. If the driver failed to disclose the revocation to the new licensing authority, they would not know that the applicant had been considered unfit to hold a licence by another authority and would have no knowledge of their previous behaviour.
- 3.4 It is envisaged that the NR3 register will provide a consistent approach towards licensing, increase confidence in the suitability of applicants, and potentially increase public safety through assisting the refusal of unsuitable applicants to the taxi/private hire trade.

#### **4. Current situation/proposal**

##### NR3 Process

- 4.1 When a grant or renewal application for a hackney carriage/private hire driver's licence is received, Licensing Authority officers will undertake a search of the NR3 register.
- 4.2 If the search concludes a positive result on the register, a request will be made to the local authority that made the entry for further information to determine the applicant's suitability.
- 4.3. The Bridgend County Borough Council will retain records of all searches conducted on the NR3 register and a separate record will be made of all requests for information from other local authorities.
- 4.4 All new application forms will be amended to reflect the use of the NR3 register, and anyone added to the register will be informed in writing.
- 4.5 A draft policy on the use of NR3 is detailed in Appendix B.
- 4.6 As the NR3 Register will involve the processing of personal data, the General Data Protection Regulation and Data Protection Act 2018 principles will need to be followed.
- 4.7 The Vale of Glamorgan Council is the Data Controller in respect of the Shared Regulatory Service on behalf of each of the Licensing Authorities Controllers and will be responsible for ensuring they comply with the Data Protection Act 2018 and General Data Protection Regulation 2016.
- 4.8 A Data Privacy Impact Assessment will be undertaken by the Vale of Glamorgan to ensure all controls and assurance required for compliance with its legislative responsibilities are met. The use of NR3 will also be reflected in an updated Licensing Privacy Notice to be published on the Bridgend Council website.

#### **5. Effect upon policy framework and procedure rules**

- 5.1 None

#### **6. Equality Impact Assessment**

- 6.1 A full Equality Impact Assessment has not been undertaken as there are no implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief; sexual orientation on this matter.

#### **7. Well-being of Future Generations (Wales) Act 2015 implications**

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

## **8. Financial implications**

- 8.1 The Council is already an existing member of NAFN, therefore there will be no additional cost associated with the adoption of the NR3 Register.
- 8.2 The small additional costs incurred in the administration of the register can be recovered in the hackney carriage/private hire driver's licence fee. The use of the register does not require any additional resource for the Licensing section.

## **9. Recommendation**

- 9.1 It is recommended that the Committee adopt the following:
- a) The use of the NR3 register, and if approved:
  - b) The adoption of the NR3 Policy detailed in Appendix B with immediate effect

Kelly Watson,

**CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES**

**DATE 19 February 2020**

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**Background documents:**

None