

APPENDIX B



The National Register of Taxi Licence Revocation & Refusals (NR3) Policy Document

Background

The National Register of Taxi Licence Refusals and Revocations (known as NR3) is a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused.

The use and participation of the authority in this mechanism is necessary for assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence, in particular these assessments form part of the legal duty of the authority to protect vulnerable passengers through the licensing process.

Currently all applicants for a hackney carriage or private hire vehicle driver's licence are required to answer a question on the application form which asks if they have ever had an application refused or a taxi licence revoked by another licensing authority. If they indicate "yes" the Council is then able to carry out the relevant enquiries of the other licensing authority. If the applicant gives a negative response to this question the Council has no mechanism for checking this. Whilst it is true that relevant criminal convictions should be revealed by the Disclosure and Barring Service check there are a range of circumstances which could properly lead to the refusal or revocation of a licence that would not result in a conviction. The NR3 Register has been created to address this gap, i.e. to facilitate and control the legitimate sharing of refusal/revocation information between Licensing Authorities.

It is not mandatory for the local authorities to participate and use the register however it is strongly recommended by central government that they do as the more extensive the database then the better protection it will potentially provide. The use of the NR3 database is recommended by the Department for Transport in their July 2020 document "*Statutory Taxi & Private Hire Vehicle Standards*".

Tameside Council host the National Anti-Fraud Network (NAFN) who are the administrators of the register.

This policy sets out how we will use the National Register.

Requests for information, disclosure of information, and use of information as a result of an entry on NR3

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

1. Overarching Principles

This policy covers the use that Halton Borough Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers' licence. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

Halton Borough Council has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, this authority will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes. In any case, information is only kept in accordance with data protection legislation.

2. Information Contained within the NR3 Register

Tameside Council host the National Anti-Fraud Network (NAFN) who are the administrators of the register.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision

- date decision effective

Information will be retained on NR3 for a period of 25 years.

3. Making a request for further information regarding an entry on NR3

When making an application to this authority for the grant of a new, or renewal of, a hackney carriage or private hire driver's licence, a check of the NR3 system will be made by licensing officers.

This authority will make and then retain a clear written record of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

If this authority discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing (posted or emailed) to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

4. Responding to a request made for further information regarding an entry on NR3

When this authority receives a request for further information from another authority, a clear written record will be made of the request having been received within a register solely for the purpose of data protection monitoring and in accordance with the Data Protection Act 2018.

This authority will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request. Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Each application will be considered on its own merits. This will be determined by an officer who has been trained to discharge this function in accordance with data protection legislation. The officer will record what action was taken and why. This authority will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)

- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

5. Using any information obtained as a result of a request to another authority

When this authority receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications.

6. Making New Applicants and Existing Drivers aware of NR3

All future applications for hackney carriage or PHV driver licenses will be checked against the NR3 register. The authority has updated its application forms and related paperwork/webpages (such as guidance notes and its Privacy Notice) to make it clear that:

- all applicants will have their details checked against the register, and any relevant information taken into account in assessing the application;
- Where an application is refused, or where a licence is granted but subsequently revoked, this information will be entered into the register and will be held for a maximum of 25 years.

Where the authority (the first authority) decides to refuse or revoke a hackney carriage/private hire driver's licence, the decision notice will refer to the authority's earlier notification in guidance and on application forms that the decision will be entered on to NR3. The decision notice will also make clear that if the individual makes an application to another licensing authority (the second authority) for a driver's licence at a later date, the second authority may check the register, and the details of the refusal or revocation will be provided to them by this authority, in line with our policy for disclosing information.