



REPORT TO:	LICENSING COMMITTEE
DATE:	19 JULY 2022
SUBJECT:	NATIONAL REGISTER OF TAXI AND PRIVATE HIRE REVOCATIONS AND REFUSALS
PURPOSE:	TO PROVIDE AN UPDATE ON THE PROGRESS WITH RESPECT TO THE IMPLEMENTATION OF THE USE OF THE NATIONAL REGISTER OF TAXI AND PRIVATE HIRE REVOCATIONS AND REFUSALS.
KEY DECISION:	NO
PORTFOLIO HOLDER:	COUNCILLOR PAUL SKINNER
REPORT OF:	SENIOR LICENSING OFFICER
REPORT AUTHOR:	ANNA MCDOWELL
WARD(S) AFFECTED:	ALL
EXEMPT REPORT?	NO

SUMMARY

The Department for Transport has introduced minimum licensing standards for hackney carriages and private hire vehicles. The standards were published in July 2020. The Council has a legal duty to have regard to the minimum standards when undertaking its taxi and private hire vehicle licensing function.

Section 4.21 to 4.25 of those standards advise that tools such as a national register of revocations and refusals should be used by Local Authorities to ensure there is consistency and robustness in its decision making process.

Following a Licensing Committee held on the 15 March 2022 Members requested that further investigation was made into the Data Protection implications of holding personal data regarding persons who had been refused a licence or had their licence revoked.

RECOMMENDATIONS

This report is for noting only and no decision is required.

REASONS FOR RECOMMENDATIONS

The Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 has since received Royal Assent, with commencement and implementation of the Act taking place on 31 May 2022. This new Act mandates the entry, by a Local Authority, of driver licence refusals, revocations and suspensions onto a national database.

OTHER OPTIONS CONSIDERED

None

REPORT

- 1.1 On 21 July 2020, the Department for Transport published the Statutory Taxi & Private Hire Vehicle Standards and the standards became effective immediately. Licensing Authorities have a legal duty to have regard to the standards and must give clear reasons for any departure from them.
- 1.2 Section 4.21 to 4.25 of those standards advise that tools such as a national register of revocations and refusals (NR3) should be used by Local Authorities to ensure there is consistency and robustness in its decision making process. A copy of the relevant sections of the Standards is attached at **Appendix 1**.
- 1.3 At the Licensing Committee held on 15 March 2022, the NR3 was not a mandatory requirement. Any information entered onto the register was to be retained for 25 years. This period of retention raised significant concerns from the Council's Data Protection Officer in respect of the handling of personal and sensitive information regarding applicants and licence holders. The Committee subsequently deferred a decision to allow the Data Protection Officer more time to investigate the concerns.
- 1.4 The conclusions of the research undertaken by the Data Protection Officer at request of Committee are included in the **Implications** section towards the end of this report. In essence his advice is that the Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 makes the retention of personal and sensitive information regarding Taxi and Private Hire driver conduct legitimate.
- 1.5 On 31 March 2022, the Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 received Royal Assent, with commencement and implementation of the Act taking place on 31 May 2022. This new Act mandates the entry, by a Local Authority, of driver licence refusals, revocations and suspensions onto a national database. A copy of the Act and guidance is attached at **appendix 2**.
- 1.6 The power of the Secretary of State under clause 4 of the Act in relation to designating someone to operate the database will come into force on 31 July 2022.
- 1.7 In preparation for the implementation of the NR3 the Licensing Section subscribed to the NR3 register database provided by the National Anti Fraud Network (NAFN). Should the Secretary of State designate NAFN as the database provider the Licensing Section will be in a position to start using the register with immediate effect.

2. CONCLUSION

- 2.1 Following the implementation of the Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, the entry of all driver licence refusals, revocations and suspensions on a national database will be mandated therefore removing any further necessity for a committee decision on the implementation of a register subscription.

EXPECTED BENEFITS TO THE PARTNERSHIP

By working together as a partnership the three sovereign councils benefit from the learning and experience of each other and also the trade benefits from a consistency and uniformity of approach from the Licensing service across the sub-region.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP

Whilst the policies that Members are seeking to approve are Boston policies, Members can be assured that collaboration with other Council's in the Partnership has taken place to ensure, as far as possible, that there is consistency in the policy proposals, whilst respecting the unique character of each locality, and best practice has been employed in the development of the policy proposals.

CORPORATE PRIORITIES

This work contributes to two Priority areas in the Boston Borough Council Corporate Strategy 2020 to 2024; Priority One. **People Focussed**: Make Boston as healthy and safe place to work. Priority Four. **Delivering high quality services and maximising use of technology to support residents**: Make better use of technology and data to reduce costs and improve performance and efficiency.

STAFFING

There are no direct implications in terms of staffing.

DATA PROTECTION

Consultation has taken place with the Data Protection Officer and he has advised that following the implementation of the Act the Council have legitimate cause to retain personal and sensitive information in respect of those licensed drivers and applicants whose applications and licences are refused, revoked or suspended.

FINANCIAL

The addition of records onto the database will form part of the normal duties carried out by the Licensing Team with no additional costs involved.

RISK MANAGEMENT

There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters.

STAKEHOLDER / CONSULTATION / TIMESCALES

Portfolio Holder – Councillor Paul Skinner

Data Protection Officer – Richard Steele

REPUTATION

There is a risk that the Council's reputation could be damaged if we do not act in accordance with national guidance and standards.

CONTRACTS

None

CRIME AND DISORDER

Crime & Disorder Implications: The Department for Transport minimum licensing standards contain specific and detailed implications with respect to crime and disorder. The Council has a duty to provide the public with a safe and secure taxi and private hire vehicle service within the borough. Any person who does not meet the Policy Standards will be referred to a Regulatory & Appeals Sub-Committee and should they subsequently have their application refused or their licence revoked or suspended their details will be added to the NR3.

EQUALITY AND DIVERSITY / HUMAN RIGHTS / SAFEGUARDING

Equality Implications: There are no equality implications.

Human Rights: The licensing authority must ensure that its decisions and policies can withstand scrutiny by reference to the principle of proportionality, i.e. is the decision / action / policy proportionate to what it wishes to achieve, or, colloquially do the ends justify the means. Any licence applicant or licence holder referred to Regulatory & Appeals sub-committee will have the Human Rights Act taken into account during the decision making process.

Safeguarding Implications: The Council has a duty to provide the public with a safe and secure taxi and private hire vehicle service within the Borough that is consistent with prevailing national guidance and standards.

HEALTH AND WELL BEING

The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the borough's residents, visitors, and business community. Effective implementation of a fair, proportionate and consistent licensing regime should help to promote the local economy.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no specific climate and environmental implications arising from this report.

ACRONYMS

DfT – Department for Transport

NR3 – National Register of Taxi Licence Refusals and Revocations.

NAFN – National Anti Fraud Network

APPENDICES

Appendices are listed below and attached to the back of the report: -

Appendix 1	Relevant extract of the Taxi & Private Hire Vehicle Statutory Standards
Appendix 2	Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and guidance.

CHRONOLOGICAL HISTORY OF THIS REPORT

Licensing Committee	12 October 2021
Licensing Working Group	10 December 2021
Licensing Working Group	25 January 2022
Licensing Committee	15 March 2022

BACKGROUND PAPERS

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed
Department of Transport – Statutory Taxi and Private Hire Vehicle Standards – July 2020	https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards
Policing and Crime Act 2017 (Section 177)	https://www.legislation.gov.uk/ukpga/2017/3/section/177

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