

## **Update on LGA work to develop a National Register of Taxi Licence Revocations and Refusals (NR3)**

### **Purpose of report**

For information.

### **Summary**

In June 2017, the LGA commissioned the development of a National Register of taxi licence Refusals and Revocations, or NR3. Through facilitating sharing of information between licensing authorities, the objective of the register is to prevent individuals who have had a licence refused or an application for one revoked by one authority from securing a licence elsewhere by failing to declare their previous licensing history. This paper updates the Board on progress on the development of NR3.

### **Recommendation**

That the Members of the Safer and Stronger Communities Board note the progress outlined in the paper.

### **Action**

Officers will continue to progress the development of the national register on refusals and revocations.

<b>Contact officer:</b>	Rebecca Johnson
<b>Position:</b>	Adviser
<b>Phone no:</b>	0207 664 3227
<b>Email:</b>	Rebecca.johnson@local.gov.uk

## **Update on LGA work to develop a National Register of Taxi Licence Revocations and Refusals (NR3)**

### **Background**

1. This note updates the Board on progress on the development of the National Register of Taxi Licence Refusals and Revocations or NR3, including the launch timetable, register functionality and key issues.

### **Objective**

2. In June 2017, the LGA commissioned the development of NR3, with the objective of preventing individuals who have had a licence refused or an application for one revoked by one authority from securing a licence elsewhere by failing to declare their previous licensing history.
3. The register allows licensing authorities to record details of where a taxi or PHV drivers' licence has been revoked, or an application for one refused, and also enables them to check new applicants against the register.
4. At the moment, if drivers do not disclose information about a previous revocation or refusal, there is often no way for a licensing authority to find this information out if it is not included on a Disclosure and Barring Service check. This means that vital intelligence about an applicant's past behavior is missed and an individual might be able to get a new licence in another area, despite having their licence revoked elsewhere for reasons that demonstrate they are not a fit and proper person.
5. High profile instances of this happening have undermined public confidence in the safety of taxis and PHVs, and left licensing authorities open to criticism for something that is currently very difficult for them to control.
6. The LGA therefore commissioned the National Anti-Fraud Network (NAFN) to develop and host the register. NAFN is a local authority owned, not for profit organization specialising in data and intelligence services, and is hosted by Tameside council.
7. Development of the register has been supported by a user group comprising officers from a range of licensing authorities (including Transport for London), who have advised on the specification of the register, as well as testing its functionality.

### **Accessing the register**

8. Access to the register is only available to members of NAFN. Whilst over 90% of local authorities are already members of NAFN, those who are not will need to join to use it. Membership costs £1,050 annually and provides access to a range of different services as well as NR3. While this is a cost which can be recouped through licensing fees, it is recognised that for some smaller licensing authorities this could represent a significant cost across a relatively small number of licensees and therefore a potential barrier to

access. However, it would be difficult to establish and maintain a system of this nature without incurring some costs in doing so.

9. Subscribing to NR3 requires local authorities to sign up to data sharing and data processing agreements with NAFN. These agreements outline the necessary steps the authority and NAFN will take to ensure NR3 is compliant with both the Data Protection Act (DPA) and General Data Protection Regulation (GDPR) which replaces this from May 2018.
10. Authorities will need to designate an officer as a single point of contact as part of the registration process. Authorities will then be able to set up user accounts for other officers to be able to search and input into the register.
11. The LGA has written to all licensing authorities to introduce the new register and set out the steps they will need to take to sign up to it, as well as advising how to become a member of NAFN where appropriate. To date, 200 licensing authorities have shared contact information with NAFN and they have had enquiries from 21 non-member authorities, three of which have now subscribed.

### **Register functionality**

12. The register has two basic elements of functionality; it enables authorities to record details of relevant drivers, and it enables them to undertake searches of the data held in the register. User guidance and training materials on using the register will be published by NAFN as the register is launched.
13. Licensing authorities will be responsible for adding basic details of drivers who have had a licence revoked or an application for one refused. The intention is that when a licensing authority receives an application for a licence or renewal of one, the applicant's details will be checked on the register to confirm that there is no record of them having being revoked or refused elsewhere.
14. Details contained on the register will be limited to information that will help to identify an individual to a certain degree of accuracy, including name, address and national insurance number, but will not give a reason or explanation of why an action was taken. It will be up to individual authorities to follow up on any potential matches with the appropriate licensing authority, whose contact details will be included in the search result.

### **Update and issues**

15. The basic functionality for the register has been completed; further work is now being undertaken to develop the bulk upload facilities that Transport for London require to use the system given the volume of licensees that they are dealing with.
16. The LGA has also written accompanying guidance for licensing authorities which provides a comprehensive overview of the steps authorities will need to take to use the register in a way that complies with existing and new data protection requirements, as well as with human rights law. The guidance aims to minimise the work that must be undertaken by individual authorities by providing suggested wording to use to update policies and application forms, and draft letters that can be sent to existing licensees to

make them aware of the new register and the fact that refusals and revocations will in future be entered onto the register. Letters will also need to be sent to former licensees or applicants whose data will also be entered onto the register.

17. The LGA has sought advice from expert counsel to ensure the guidance is authoritative, given obvious sensitivities around information sharing and the potential for individuals whose details will be included on the register to object to this.
18. The key feedback from counsel was the need to ensure that use of the register is proportionate and underpinned by supporting policies setting out how authorities will use NR3. In particular, we were advised that authorities must have an approach for managing the sharing (and subsequent use) of information between authorities that may take place once a match has been identified on the register; rather than assuming a blanket approach in which information will always be shared, whatever the circumstances or timing of the original refusal or revocation. We have therefore expanded the supporting guidance to provide a suggested policy on this, and are undertaking a final check of the guidance with counsel and the Information Commissioner's Office.
19. As soon as this process is complete, we will circulate the guidance to licensing authorities. In doing so, we will make clear that although we have been through an extensive process to ensure that the register and supporting processes comply with relevant legislation, each individual licensing authority will need to work with its own informational governance and legal team to assure themselves of the work they put in place to implement use of the NR3 by their authority.

### **Implications for Wales**

20. Welsh licensing authorities will be able to access the register if they choose to.

### **Financial Implications**

21. The IT development and legal costs incurred in establishing the register have been met from the LGA's improvement grant, a proportion of which is allocated to regulatory issues. As set out above, NAFN members pay an annual fee to contribute to the running of the overall service.

### **Next steps**

22. Once guidance has been disseminated, licensing authorities will be able to start using the register. The first step, once subscription to the register has been completed, will be to populate the register with historic data of licence revocations and refusals.
23. While the establishment of the register is an important, sector led step towards strengthening taxi and PHV licensing, we will continue to lobby Government for a comprehensive reform Bill and the creation of a national database of all taxi and PHV drivers and operators.