

Licensing Committee Report

Ward(s) affected: All

Report of the Licensing Team Leader

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## **National database of taxi and PHV driver licence refusals and revocations**

### **Executive Summary**

In June 2017, the Local Government Association commissioned the development of a National Register of taxi licence Refusals and Revocations. The Register went live in July 2018. Through facilitating sharing of information between licensing authorities, the objective of the register is to prevent individuals who have had a licence revoked or an application for one refused by one authority from securing a licence elsewhere by failing to declare their previous licensing history.

By using the National Register, the Council will be ensuring it complies with best practice in order to ensure that only suitable persons hold taxi and PHV drivers licences and thus protect public safety and confidence in the licensed trade.

### **Recommendation to Licensing Committee**

The Licensing Committee is requested to note the work undertaken to utilise the National database of taxi and PHV driver licence refusals and revocations.

### Reason for Recommendation:

To improve safety and confidence within the licensed hackney carriage and private hire vehicle service.

### **1. Purpose of Report**

1.1 The report informs the Committee of the work undertaken to use the National Register of taxi and private hire vehicle driver licence refusals and revocations.

### **2. Strategic Priorities**

2.1 Using the National Register will contribute to our fundamental themes as follows:

- **Our Society** - believing that every person matters and concentrating on the needs of the less advantaged
- **Our Economy** – supporting business, growth and employment

### **3. Background**

- 3.1 The current Taxi and Private Hire Policy 2015-2020 adopted on the 9 December 2015 and subsequently revised on 8 February 2018 introduced positive changes to protect public safety by introducing livery for taxis, door signs for private hire vehicles and the requirement for drivers to complete the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver.
- 3.2 Licensing Authorities are required to satisfy themselves that those holding hackney carriage and Private Hire Vehicle (PHV) driver licences are 'fit and proper' to do so. This is done firstly during the determination of an application for a licence, and then kept under review during the currency of a licence. For example when evidence is obtained that suggests that a licensed individual is no longer a fit and proper person the licensing authority is entitled to suspend, revoke or refuse to renew the licence.
- 3.3 The process of assessing whether an applicant or licensee is 'fit and proper' may vary between authorities but there is widespread consensus on the need to increase consistency and set national minimum standards for the fit and proper test at a suitably high level. This would help prevent individuals who have had a licence revoked by one authority from simply going to another area and securing a licence - assuming the second authority
- 3.4 Historically, if drivers do not disclose information about a previous revocation or refusal of a licence, there is often no way for a licensing authority to find this information out. This means that vital intelligence about an applicant's past behaviour is being missed and an individual might be able to get a new licence in another area, despite having their licence revoked elsewhere. High profile instances of this happening have undermined public confidence in the safety of hackney carriages and PHVs, and left licensing authorities open to criticism for something that is currently very difficult for them to control.

### **4. National Register of Refusals and Revocations**

- 4.1 In response to this issue, the Local Government Association (LGA) has commissioned the National Anti-Fraud Network (NAFN) to develop of a national register of hackney carriage and PHV driver licence refusals and revocations, the 'National Register of Refusals and Revocations'. The new register will allow licensing authorities to record details of where a hackney carriage or PHV drivers' licence has been refused or revoked, and allow licensing authorities to check new applicants against the register. This should help to prevent people found to be not fit and proper in one area from securing a licence somewhere else through deception and non-disclosure.

- 4.2 The objective of the national register is to ensure that authorities are able to take properly informed decisions on whether an applicant is fit and proper, in the knowledge that another authority has previously reached a negative view on the same applicant.
- 4.3 This will be achieved by providing a mechanism for licensing authorities to be able to check whether an individual has had a licence refused or revoked. Whenever a licensing authority processes a new application for a hackney carriage/PHV driver's licence, or for a renewal, it should check the register at a suitably early stage of the process to confirm whether the applicant was subject to a previous licensing decision that they should be aware of.
- 4.4 Every application must always be considered on its own merits. A licensing authority must not fetter its decision-making, or appear to have simply relied upon the previous decision of another authority. The purpose of the register is not to mean that an applicant who has been refused a licence on one occasion will always be refused.
- 4.5 However, it will always be relevant for an authority to consider a previous refusal or revocation, and the reasons for that decision. That previous decision may in many cases warrant significant weight to be given to it. Licensing authorities will wish to think carefully about taking a different view to an earlier decision. Depending on the nature and context of the earlier decision, they may require strong and new evidence to support a different view, having regard to the representations of the applicant. Any authority will wish to have proper respect for the decision of a previous authority, having regard to the fact that a driver had the right of appeal to the Magistrates' Court against a decision which was wrong or flawed. Without this approach, the objectives of safeguarding and consistency – and the reputation of local government – will be undermined.

## **5. Consultation**

- 5.1 Applicants will be informed of the existence of the NR3 register and that it will be consulted in connection with their application (and subsequent applications to renew licences). They will also be informed that their personal data will be placed on the register if at any time their licence is revoked or renewal is refused.
- 5.2 We have written to all existing licensees to advise that the Council has signed up to the register, and that if their licence is subsequently revoked or not renewed, this will be recorded.
- 5.3 We have also written to all previous licence holders whose licence has been refused or revoked advising them that their details will be entered into the register.

## **6. Equality and Diversity Implications**

- 6.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of

opportunity and fostering good relations between people who share a protected characteristic and those who do not.

6.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.

6.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.

6.4 There are no Equality and/or Diversity issues arising from the use of the Register.

## **7. Financial Implications**

7.1 The use of the register can be managed through the existing licensing budget.

## **8. Legal Implications**

8.1 Access to the database is only available to Local Authorities who have signed up to a data processing and data sharing agreement with the NAFN to ensure compliance with the relevant data protection requirements.

8.2 The LGA has consulted the Information Commissioners Office on the databases' intended functionality and have advised that the database complies with the GDPR as the Local Authority has a lawful basis for processing this information.

## **9. Human Resource Implications**

9.1 There are no human resource implications arising from these proposals.

## **10. Summary of Options**

10.1 The Licensing Committee is requested to note the work undertaken to utilise the National database of taxi and PHV driver licence refusals and revocations.

## **11. Conclusion**

11.1 By using the National Register, the Council will be ensuring it complies with best practice in order to ensure that only suitable persons hold taxi and PHV drivers licences and thus protect public safety and confidence in the licensed trade.

## **12. Background Papers**

12.1 [Taxi and Private Hire Licensing Policy 2015-2020](#)

**13. Appendices**

None

**14. Consultation**

<b><i>Service</i></b>	<b><i>Sign off date</i></b>
Regulatory Services Manager	2 November 2018
Finance / 151 Officer	1 October 2018
Legal / Governance	8 October 2018
HR	28 September 2018
Equalities	28 September 2018
Lead Councillor	10 October 2018
CMT	6 November 2018
Committee Services	13 November 2018