

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cllr Tim Ball , Cabinet Member for Planning & Licensing	
MEETING/ DECISION DATE:	On or after 29 th April 2022	EXECUTIVE FORWARD PLAN REFERENCE: E3459
TITLE:	Amendment to Current Policy on Hackney Carriage and Private Hire Licensing Standards For Drivers, Vehicles and Operators.	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Annex A – Amendment To Current Policy		

1 THE ISSUE

- 1.1 This report seeks to amend the Council's policy on Hackney Carriage and Private Hire Licensing Standards For Drivers, Vehicle and Operators.
- 1.2 An amendment is sought to the current Policy to inform new applicants and existing licensees of the Council's statutory obligation to record decisions to refuse new, or suspend or revoke existing combined Hackney Carriage & Private Hire drivers' licences on the national NR3 database.

2 RECOMMENDATION

- 2.1 The Cabinet Member for Planning & Licensing is asked to approve the proposed addition at Annex A to the existing policy.

3 THE REPORT

- 3.1 Bath and North East Somerset Council issue a combined Hackney Carriage & Private Hire drivers licence, this licence allows licensees to lawfully drive both types of licensed vehicle. References in this report to a generic "taxi" drivers licence refer to the Combined Hackney Carriage/Private Hire drivers' licence issued by this Authority.
- 3.2 On the 31st March 2022 the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 (The Act) received Royal Assent.

- 3.3 The Act placed a statutory duty on all local authorities to improve information sharing regarding licensed taxi and private hire drivers.
- 3.4 The Act placed a duty on local authorities to record decisions on either refusing a new application for a “taxi” drivers’ licence or the decision to suspend or revoke an existing “taxi” drivers’ licence on a national database.
- 3.5 At the time of the commencement of the Act the provisions requiring this data sharing were not enacted as the Secretary of State for Transport had not provided a database or nominated a designated person to do so. Local Authorities were advised that details of a nominated database would be provided in due course.
- 3.6 On the 28th February 2023 the Secretary of State For Transport wrote to all Local Authorities to inform them that an agreement had been reached and the National Anti-Fraud Network (NAFN) database, known as the NR3 was the nominated database and the relevant provisions of the Act would be enacted on 27th April 2023.
- 3.7 Bath & North East Somerset Council has joined the NAFN NR3 database and as part of the joint agreement is required to refer to the provisions of the NR3 database in its current and future policies to comply with Data Protection Act and GDPR provisions.
- 3.8 This suggested policy amendment seeks to provide transparency for new and existing licensees in how and when personal data is retained, and shared following decisions made by the Council to refuse or revoke a “taxi” drivers licence.
- 3.9 The suggested amendment to the Policy is produced at Annex A.

4 STATUTORY CONSIDERATIONS

- 4.1 Taxis & Private Hire Vehicles (Safeguarding & Road Safety) Act 2022 Ch14.
- 4.2 Data Protection Act 1918.
- 4.3 UK General Data Protection Regulations (UK GDPR).

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 None

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

- 7.1 An Equalities Impact Assessment has not been carried out as there are no equalities issues arising from this statutory requirement.

8 CLIMATE CHANGE

8.1 There are no climate change issues arising from this amendment to an existing policy.

9 OTHER OPTIONS CONSIDERED

9.1 None

10 CONSULTATION

10.1 The Council's Monitoring Officer (Head of Legal & Democratic Services) and Section 151 Officer (Chief Finance Officer) have had the opportunity to input to this report and have cleared it for publication

Contact person	John Dowding – Lead Officer Licensing 01225 477662
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

Annex A

National Register of Taxi Licence Refusals and Revocations (NR3)

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a licence enabling them to drive Hackney Carriage or Private Hire vehicles revoked, suspended or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority –that is, assessing whether an individual is a fit and proper person to hold a hackney carriage drivers' licence, a private hire drivers' licence or a combined hackney carriage/private hire drivers' licence.

Therefore:

- Where a hackney carriage drivers/private hire drivers' licence is revoked, suspended or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application. 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.

This is a mandatory part of [applying for] [being granted], a hackney carriage drivers' private hire drivers' licence or combined hackney carriage/private hire drivers' licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it.

You can read that policy at <https://beta.bathnes.gov.uk/council-privacy-notice/taxi-licensing-privacy-notice>

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision, or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence.

Annex A

It is not intended that any NR3 data will be transferred out of the United Kingdom. If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at data_protection@bathnes.gov.uk . This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>