

GENERAL PURPOSES COMMITTEE

15 NOVEMBER 2018

NATIONAL DATABASE OF REFUSED AND REVOKED LICENCES

1.0 Purpose of Report

1.1 To update Members on the creation of a national data base for the recoding of refused and revoked Hackney Carriage & Private Hire Drivers and to seek approval for Officers to upload driver details to the database.

2.0 Information

2.1 The concern amongst many licensing authorities has been the lack of ability to obtain reliable information with regard to the past licencing history of applicants for a Hackney Carriage or Private Hire Drivers Licence. There is the potential for individuals that have had a licence revoked or refused by another local authority to obtain a licence from another authority without the issuing authority ever being aware of the applicants licence history.

2.2 The application used by Newark & Sherwood does require the applicant to state whether they have ever held a badge with another authority and additionally whether they have ever had a licence refused or revoked. However, if the applicant says no to these questions it is virtually impossible to check the validity of their statement.

2.3 The Local Government Association have been supportive of a national register where details of refused or revoked licences can be held and used by local authorities to check new applicants against the register.

2.4 The LGA have commissioned the National Anti-Fraud Network (NAFN) to develop and host the register. NAFN is a shared service, hosted by Tameside Council, which supports public authorities to tackle fraud and share intelligence. NAFN has worked with the LGA and a user group comprised of licensing officers from a number of local authorities to develop the register.

2.5 To access the register authorities are required to be members of NAFN, around 90 per cent of local authorities are already members and will be able to access the register at no additional cost. For non-members, membership of NAFN costs £1,050/ year. Newark & Sherwood are members of NAFN via the Revenues & Benefits Business Unit. The register will be known as NR3.

2.6 NR3 has been commissioned by the LGA as a voluntary register. Licensing authorities will be responsible for adding basic details of drivers who have had applications for a licence either refused, revoked or suspended. The intention is, that when a licensing authority receives an application for a licence, 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. Details contained on the register will be limited to information that will help to identify an individual to a certain degree of accuracy, but will not give a reason why actions were taken. It will be up to individual authorities to follow up on any searches they make which come back with a match.

- 2.7 The register went live in July 2018 and guidance has been developed that sets out the steps authorities will need to take to use the register in a way that complies with the new data protection requirements, as well as with human rights law.
- 2.8 In order to comply with data protection issues, prior to uploading any data onto the register the authority will write to the individuals concerned and inform them that their data will be uploaded at future date. It is considered appropriate to give 28 day's grace between writing to the individuals and uploading their data.
- 2.9 Although the authority does not specifically need to invite representations about the proposal, any representations that are made in that period should be considered by the authority and data should only be uploaded where the authority feels that it is fair and appropriate to do so. This will not prevent historic data being uploaded, but will ensure that where data is held which may be uploaded, there is an opportunity for the authority to reconsider whether that is the correct action to take.
- 2.10 Once historic data has been submitted, any new revocations or refusals will need to be entered onto the NAFN register portal by a licensing officer as and when decisions are taken.

3.0 Proposals

- 3.1 As Members will be aware it is the responsibility of the authority to ensure that drivers meet the 'fit and proper' test before they are issued with a licence. The checking of drivers against NAFN is considered an important additional tool.
- 3.2 It is proposed that the Council uploads its data regarding revoked and refused licences on to the national register. It is further proposed that all new drivers are checked against the database.
- 3.3 New applicants will need to be made aware of the register and of the fact that their personal data will be placed on the register if at any time their licence is revoked or renewal is refused.

4.0 RECOMMENDATIONS that the Committee note the new register of refusals and revocations and that:

- (a) the upload of data onto the database in line with data protection rules be approved;**
- (b) all new drivers are checked against the national database; and**
- (c) the application forms be amended to inform drivers that their details will be entered on the register if their licence is refused or revoked in the future.**

Background Papers - Nil

For further information please contact Alan Batty on 01636 655467

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