

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Registration and Licensing Committee

10th February 2020

Report of the Head of Legal Services – Craig Griffiths

Matter for Decision

Wards Affected

All Wards

Taxi Licensing Policy Amendment - National Register of Revocation and Refusals

Purpose of the Report

1. To include information in the Taxi Licensing Policy in respect of the National Register of Taxi Refusals and Revocations (NR3).

Executive Summary

2. This report proposes to make amendments to the Taxi Licensing Policy to include information on the new National Register of Taxi Refusals and Revocations ("the register")
3. Members are being asked to approve the amendments to enable the database to be utilised.

Background

4. The register has been introduced nationally to ensure that local authorities are able to take properly informed decisions on whether an applicant is a fit and proper person, in the knowledge that another authority has previously reached a negative view on the same applicant.

5. The register is being hosted by the National Anti-Fraud Network ("NAFN").
6. Whenever the licensing authority processes a new or renewal application for a hackney carriage and private hire driver licence, a check of the register will confirm whether the applicant was subject to a previous licensing decision that they should be aware of.
7. 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, every application must always be considered on its own merits.
8. The register will also enable the licensing authority to share information about an individual's previous licensing history if they have had a licence revoked or an application for one refused.

Officer Report

9. The register is being widely adopted throughout England and Wales and licensing authorities are being encouraged to use the register in order to better safeguard the public. Both the Department for Transport and Welsh Government have previously indicated that any new taxi regulations, should include a provision to mandate the use of the register by licensing authorities.
10. In relation to data protection, the licensing authority is following the guidelines provided by NAFN, which state that the licensing authority must:
 - Enter into a data sharing agreement and a data processing agreement with NAFN
 - Update application forms and data protection privacy notices, to inform applicants about the existence of the register and that it will be consulted in connection with their application.
 - Notify existing licence holders that their personal data will be placed in the register, if at any time their licence is revoked or renewal is refused.
 - Amend the data retention period set out in the licensing data protection privacy notice to 25 years for any person who has a licence revoked or where an application is refused.

- Write to those individuals who have had a licence revoked or an application refused, stating that their data will be uploaded to the register after a period 28 days.
 - Amend the Taxi Licensing Policy to include the necessary information.
11. Members are being asked to approve the amendments to the Taxi Licensing Policy as set-out in Appendix 1

Financial Impacts

No implications

Integrated Impact Assessment

12. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016

The first stage assessment has indicated that a more in-depth assessment is not required.

Valleys Communities Assessment

13. No implications

Workforce Impacts

14. No implications

Legal Impacts

15. No implications

Risk Management Impacts

16. No implications

Consultation

17. There is no requirement for external consultation on this item.

Recommendation

18. That the Taxi Licensing Policy be amended to include the necessary information in relation to the licensing authority's use of the National Register of Taxi Refusals and Revocations, as set-out in Appendix 1.

Reasons for Proposed Decision

19. To ensure that the Licensing Authority is able to take properly informed decisions, when determining whether an applicant or and existing licence holder is a fit and proper person to hold a licence.

Implementation of Decision

20. The decision is proposed for immediate implementation.

Appendices

21. Appendix 1 - Revised Taxi Licensing Policy

List of Background Papers

22. Existing Taxi Licensing Policy - Appendix B

www.npt.gov.uk/media/4270/taxi_licensing_policy.pdf

23. First stage impact assessment

Officer Contact

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