

**Southend-on-Sea City Council**

**Report of Executive Director  
(Neighbourhoods and Environment)**

**To**

**Licensing Committee**

**On**

**16 January 2023**

Report prepared by: Elizabeth Georgeou, Head of Regulatory  
Services

**Agenda  
Item No.**

---

**Policy on Adoption on the of Use of the National Register of Taxi Licence Revocations  
and Refusals (the NR3)**

**A Part 1 Public Agenda item**

---

**1. Purpose of the Report**

- 1.1 The Council is the Licensing Authority within the city of Southend-on-Sea and has a legal duty to regulate hackney carriage and private hire services.
- 1.2 The role of the Licensing Authority is to satisfy itself that those licenced within the taxi and private hire services are 'fit and proper' to be licenced. Checks are completed at first application for a licence and at any time during the time of the licence.
- 1.3 To present the Council's draft Policy on the Use of the National Register of Taxi Licence Revocations and Refusals (the NR3) (*Appendix 1*) for public consultation to assist in this process.

The draft policy will be an Appendix to the Policy for Hackney Carriage and Private Hire Vehicles Licensing, which is under development. It has been prepared in accordance with the Department of Transport, Statutory Taxi and Private Hire Vehicle Standards July 2020 (DfT Guidance) and Local Government Association National Anti-Fraud Network Guidance on adopting the National Register of Taxi Licence Revocations and Refusals (NR3).

**2. Recommendation**

**That the Licensing Committee:**

- 2.1 Agree that the draft policy on the Use of the National Register of Taxi Licence Revocations and Refusals (the NR3) attached to this report (*Appendix 1*), be approved for 6-week public consultation.
- 2.2 Agree that delegated authority be given to the Executive Director of Neighbourhoods and Environment, in consultation with the Chair of the Licensing Committee to make amendments to the draft policy following the consultation should it be required.
- 2.2 That the Licensing Committee approve that the Executive Director of Neighbourhoods and Environment, in consultation with the Chair of the Licensing

Committee, be delegated to make any future amendments to the policy in accordance with statutory guidance, including the use of any alternative databases proposed by the government.

### **3. Background**

3.1 The legislation provides a broad framework for the licensing of drivers, vehicles, and operators, but the detail of how this is done, including standards and conditions is the responsibility of individual district and unitary councils (Licensing Authorities).

3.2 The Department of Transport (DfT) has produced statutory guidance *The Statutory Taxi and Private Hire Vehicle Standards July 2020* ('DfT Guidance') which reflects the significant changes in the industry and lessons learned with respect to licensing. It expects the recommendations of the 'DfT Guidance' to be implemented unless there is a compelling reason not to do so. In Section 1 of the 'DfT Guidance' is stated:

*"There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and, in some cases, perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from Greater Manchester and Merseyside suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the Crime Survey for England and Wales."*

3.3 One of the functions of the Licensing Authority is to protect children and vulnerable individuals, who are over 18, from harm when using these services. Where an individual is considered not to be a 'fit and proper person' the Licensing Authority can suspend, revoke a licence, or refuse to renew a licence.

3.4 The process of assessing whether an applicant or licensee is 'fit and proper' may vary between authorities and there is consensus on the need to increase consistency and set national minimum standards. The 'DfT Guidance' sets out the common core minimum standards required to regulate better the taxi and private hire vehicle sector.

3.5 The 'DfT Guidance,' at Section 4.21 introduces the development by the LGA of the National Anti-Fraud Network national register of taxi and private hire vehicle drivers (the NR3). It states that *tools such as the NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants*. The introduction of a policy on the use of the NR3 is to prevent individuals who have had a licence revoked by one authority from simply going to another area and securing a licence.

3.6 The use of the NR3 will enable the Licensing Authority to review vital intelligence about an applicant's past behaviour from being missed as part of the assessment on the applicant or licensee being a fit and proper person to hold such a licence.

3.7 The NR3 assists Licensing Authorities to take informed decisions on whether an applicant is fit and proper, by providing a mechanism for Licensing Authorities to check whether an individual has had a licence refused or revoked.

- 3.8 The NR3 Guidance details how the Licensing Authority should use the register, ensuring GDPR compliance, and the proposed Policy has been prepared in accordance with this guidance.
- 3.9 Each application is determined on its own merits and on considering whether the applicant is a 'Fit and Proper' person, convictions, and cautions and will be considered. Other matters can also be considered such as the nature / class of any offence, how long ago it occurred and the applicant's age at that time, the apparent seriousness as gauged by the penalty imposed, and other factors.
- 3.10 Where an application is refused or revoked the grounds for the refusal is communicated to the applicant who has a right of appeal against that decision.
- 3.11 Relevant details regarding the refusal or revocation will be entered onto the NR3 in line with the policy on the use of the NR3.
- 3.12 The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 (the Act) places responsibilities on licensing authorities to share safeguarding and road safety concerns about taxi and private hire vehicle drivers with each other.
- 3.13 The current requirement is for the licensing authority to share information that is relevant to safeguarding or road safety to share that information with the authority that issued that driver's licence.
- 3.14 The use of NR3 will provide a mechanism to share that information, by enabling a local authority to undertake a search as required in section 3.13.
- 3.15 The current guidance is that Licensing Authorities use a database, such as NR3, whereas the Act, will require the use of a database, but has not yet specified which database that will be.
- 3.16 The Act will also require the inclusion of details of suspensions on the database, and the removal of suspensions, when they are no longer relevant.
- 3.17 There is a difference between the current NR3 retention period of 25 years and that proposed in the legislation.
- 3.18 Amendments to the policy will be in line with the statutory guidance issued under the Act.

#### **4 Other Options**

- 4.1 If this policy is not adopted the Licensing Authority will be unable to use the NR3 to share information on a more consistent basis, and it will inhibit the ability to share relevant information with licensing authorities.

#### **5. Reasons for Recommendation**

- 5.1 The adoption of the use of the NR3 enhances the protection for children and vulnerable adults. It also safeguards the way in which the intelligence is managed ensuring compliance with GDPR requirements.
- 5.2 The use of the NR3 provides transparency in approach when licensing applicants who want to work within the taxi and private hire services.
- 5.3 The delegation to allow changes to be made in line with the Act, enables the Licensing Authority to respond quickly to statutory requirements.

## **6. Corporate Implications**

### **6.1 Contribution to the Southend 2050 ambition, outcomes, and road map**

6.1.1 The use of the NR3 contributes to the Safe and Well ambition, in undertaking relevant safeguarding checks on those working with children and vulnerable adults. The use of the NR3 also contributes to the Safe and Well ambition in the night-time economy, providing a safe transport system when other forms of transport are not operating.

### **6.2 Finance and value for money implications**

6.2.1 The Authority is already a member of the National Anti-Fraud Network (NAFN) and therefore will have access to the register once the policy is in place, at no additional cost. The licensing regime allows for the re-charge of costs, and the subscription cost of NAFN and cost of individual checks can be taken into consideration when calculating the licence fee.

### **6.3 Legal Implications**

6.3.1. The 'DfT guidance' at 1.3 states that 'The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.' The use of the NR3 Guidance assists the Licensing Authority to ensure that checks undertaken are compliant with this guidance and with GDPR requirements.

6.3.2 Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 requires the sharing of relevant information relating to safeguarding and road safety concerns with the Licensing Authority who have licenced a driver. The use of a national database enables this process.

6.3.3 Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 will require not recommend as detailed in 6.3.1 the use of a database and will also require the inclusion of suspensions to drivers' licences.

### **6.4 Equalities and diversity Implications**

6.4.1 There are no adverse implications in implementing this policy, there are positive outcomes in protecting all groups in its implementation.

### **6.5 Other corporate implications**

#### **6.5.1 People**

None.

#### **6.5.2 Property**

None.

#### **6.5.3 Risk**

The Licensing Authority may licence someone whose licence has been refused or revoked by another Licensing Authority and remove protection for children and vulnerable adults, and by extension the wider public when using taxis and private hire vehicles.

#### **6.5.4 Consultation**

Following the consultation all responses will be considered, and where appropriate changes will be made to the draft Policy.

#### **6.5.5 Community Safety**

The Council expects all applicants to demonstrate that they are safe drivers with good driving records and adequate experience, sober, mentally, and physically fit,

honest, and not persons who would take advantage of their employment to abuse of assault passengers. The adoption of the use of the NR3 is in line with the DfT Guidance, providing advice on the checking of suitability of individuals and operators to be licenced, which will safeguard children and vulnerable adults, and by extension the wider public.

## **7. Background Papers**

Local Government Association National Anti-Fraud Network Guidance on adopting the National Register of Taxi Licence Revocations and Refusals (NR3)

Department of Transport Statutory Taxi and Private Hire Vehicle Standards July 2020.

Councillor Handbook: Taxi and PHV Licensing dated July 2021.

Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

## **8. Appendices**

Appendix A Policy on the Use of the National Register of Taxi Licence Revocations and Refusals (the NR3).