

## **Use of NR3 database**

### **Summary**

1. This report seeks Member approval to use the National Register of Refusals and Revocations (known as the ‘NR3 database’) which is hosted by the National Anti-Fraud Network (NAFN) as part of its checks on new and existing taxi drivers to determine whether they are ‘fit and proper’ to hold a drivers licence, and to provide details of drivers the council has suspended, revoked etc. to other taxi licensing authorities to aid their licensing decisions.

### **Recommendations**

2. In accordance with option one below that
  - i) That the council use the NR3 database as part of the ‘other records and information’ it uses under the existing Taxi Licensing policy to help determine whether a person is fit and proper’ to hold a hackney carriage or private hire driver licence.
  - ii) That the council populates the NR3 database with details of all drivers who have had hackney carriage or private hire drivers licences refused, suspended, not renewed or revoked (in so far as such records are held)

**Reason:** To help fulfil the Council’s impending legal obligations under the Taxis and the Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

### **Background**

3. Licensing authorities are required to satisfy themselves that anyone holding a private hire and/or hackney carriage driver licence is ‘fit and proper’ to do so. This is carried out, firstly during

the determination of an application for a licence, and then periodically through the duration of a licence. When evidence is obtained that suggests that a licensed individual is not a 'fit and proper person' the licensing authority is entitled to suspend, revoke or refuse to renew a licence.

4. At present, as part of the application process, potential drivers are asked to 'self-verify' that they have not had a driver's licence refused or revoked by another authority. It is important to stress that this is in addition to checks for previous convictions, cautions, warnings etc undertaken as part of a DBS check.
5. Appendix 9 of the City of York Council's current licensing policy states:-

*'the Council can consider convictions and cautions but also other outcomes of actions taken by the Police, other agencies and the Civil Courts.*

***The Council is also entitled to use other records and information including any complaints history that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other Councils and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.'* [Emphasis in bold added]**

6. In July 2020, when the Local Authorities were grappling with the coronavirus restrictions, the Department for Transport issued the I Statutory Taxi & Private Hire Vehicle Standards under the Policing and Crime Act 2017 At paragraph 1.3, it states '*The Department expects these recommendations to be implemented unless there is a compelling local reason not to*'.
7. At paragraph 4.21, the guidance goes on to state that '*Tools such as 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.*'
8. On 22 February 2021, Members of this committee received a report about the statutory Standards, including the recommended use of the NR3 database. Members resolved that officers undertake consultation on changing the taxi licensing policy to introduce these and other requirements. Having dealt with a host of other matters relating to taxis in the last year, including

gathering information to help propose revisions for consultation, an accompanying report on this meeting's agenda outlines a plan to begin that process.

9. However, in respect of NR3, we have in any event been overtaken by events. In June 2021, a Private Members' bill received its first reading to put the NR3 database on a specific statutory footing. The resulting Taxis and the Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 received royal assent on 31 March 2022 and requires licensing authorities in England to input, into a central database, instances where the authority has *refused, suspended, chosen not to renew or revoked* a taxi or private hire driver's licence based wholly or in part on information relating to the driver concerning safeguarding or road safety. Although not yet specified, clearly NR3 database is intended for this purpose. We are anticipating an announcement that NR3 is that database and that the legal requirement to use it therefore arises at any moment.
10. Since this announcement, officers have put in place the necessary mechanisms including data sharing agreements to enable its use.
11. As noted, Officers are also required to provide the NR3 database details of all drivers who have had hackney carriage or private hire drivers licences refused, suspended, not renewed or revoked. As such, officers have prepared a letter which can be sent to all affected persons (to their last known address) explaining that their details will be entered on to the database. The letter will advise drivers of the details that will be notified and the process to amend or appeal the submission of that data. Please note, the legal requirement is to include details of all revocations etc. within the last 25 years. In accordance with the Council retention policy our records go back to 2016.
12. Officers have also amended the Taxi Licensing Privacy Notice, giving details of how our information is shared in preparation for the impending changes.

### **Consultation**

13. The purpose of this report is to note that due to the expected imminent legal requirement to use the NR3 database consultation on this matter is no longer applicable.

## Options

14. Option 1 – In advance of the impending legal requirement determine:
  - i) That the council use the NR3 database as part of the ‘other records and information’ it uses under the existing Taxi Licensing policy to help determine whether a person is fit and proper’ to hold a hackney carriage or private hire driver licence.
  - ii) That the council populates the NR3 database with details of all drivers who have had hackney carriage or private hire drivers licences refused, suspended, not renewed or revoked (in so far as such records are held).
15. Option 2 – undertake the planned consultation on this requirement as initially intended.

## Analysis

16. Option 1 ensure that we will meet the impending legal requirements when the imminent announcement that it is now a statutory requirement to use the NR3 database. Option 2 will mean that the decisions will not be made until after the consultation process is complete. The results of which are almost certainly academic in the likely event that it becomes a statutory requirement to use the NR3 database.

## Council Priorities

12. The use of the NR3 database will support the Council’s priorities in respect of the following:
  - Safe communities and culture for all.

## Implications

13. The direct implications arising from this report are:
  - (a) **Financial** – There are no financial implications for the council, officers already have access to the NAFN database on which NR3 is hosted to record Trading Standards breaches

- (b) **Human Resources (HR)** - There are no HR implications, the duties will be met from existing resources.
- (c) **Equalities** – An equalities impact assessment is not required as this report is notifying members of an impending legal requirement.
- (d) **Legal** – The legal implications are contained in this report.
- (e) **Crime and Disorder** – There are no crime and disorder implications.
- (f) **Information Technology (IT)** – The database is hosted by NAFN, and the appropriate data sharing agreements are now in place.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

## **Risk Management**

14. Using the Council's risk matrix, failing to adopt the NR3 database and licensing a driver who has been refused etc. a licence elsewhere could have a major impact with a small group of all taxi users affected for 6 months or more and national media coverage. This risk is 'possible' creating an overall risk score of 19 (an orange risk). Implementing the database with immediate effect reduces the impact to 'remote' creating an overall risk score of 12 (a yellow risk).

## **Contact Details**

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**Report  
Approved**

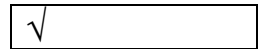


**Date** 26/09/2022

**Specialist Implications Officer(s)**

**Wards Affected:**

**All**



**For further information please contact the author of the report**

**Background Papers**

**Taxi Licensing Policy**

<https://www.york.gov.uk/downloads/download/54/taxi-licensing-policy>

**Abbreviations**

NAFN - National Anti-Fraud Network, hosted by Thameside MBC  
NR3 database – National Register of Refusals and Revocations