

Report of Chief Officer, Elections and Regulatory

Report to Licensing Committee

Date: 8th October 2019

Subject: Taxi and Private Hire Licensing – Policy for using database of refused and revoked taxi and private hire drivers

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of Ward(s):		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

1. Summary of main issues

Members of Licensing Committee are asked to read and approve in principle a policy for Leeds City Council to use the database of refused and revoked licence holders, set up by the Local Government Association, and administered by the National Anti Fraud Network.

In November 2018, the council's Licensing Committee agreed in principle for the council to use the database, by adding details of Leeds licence holders who have had their licences refused or revoked, and by checking the database at application and renewal stage. The attached policy sets out how the council will advise people who have had their licence refused or revoked, add details to the database, and check details held on the database.

1.0 Purpose of this report

- 1.1 To seek approval from Licensing Committee before a recommendation is made to the Executive for the new policy for Taxi & Private Hire Licensing to use the national database.
- 1.2 This change will enable the team to add to the database licence holders who have previously been suspended or revoked, add licence holders when they are refused or revoked, and use the database in checking whether applicants or licence holders renewing their licence have also been previously refused or revoked.

2.0 Background information

- 2.1 The role of the Taxi and Private Hire Licensing service has long been recognised as an important council function in ensuring that the travelling public are safe with professional drivers who have attained good standards, safe vehicles, and a dedicated enforcement team.
- 2.2 Licensing authorities are required to satisfy themselves that those holding licences are 'fit and proper' to do so. This is carried out, firstly during the determination of an application for a licence, and then at any time during the duration of a licence, for example, 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.
- 2.3 The process of assessing whether an applicant or licensee is 'fit and proper' may vary between authorities but there is now widespread consensus across the UK on the need to increase consistency and set national minimum standards for the fit and proper test at a suitably high level. This would help prevent individuals who have had a licence revoked by one authority from simply going to another area and securing a licence, assuming the second authority was aware of the earlier revocation.
- 2.4 At present, if licence holders do not disclose information about a previous revocation or refusal of a licence, there is often no way for a licensing authority to find this information out. This means that vital intelligence about an applicant's past behaviour is being missed and an individual might be able to get a new licence in another area, despite having their licence revoked elsewhere. High profile instances of this happening have undermined public confidence in the safety of hackney carriages and PHVs, and left licensing authorities open to criticism for something that is currently very difficult for them to control.

3.0 Main issues

- 3.1 The Taxi and Private Hire Licensing service has finalised its arrangements for using the national database of refused and revoked drivers.
- 3.2 In response to the issues raised in sections 2.1-2.4, the Local Government Association (LGA) commissioned the development of a national register of hackney carriage and private hire driver licence refusals and revocations, the 'National Register of Refusals and Revocations' or NR3.
- 3.3 The new register will allow licensing authorities to record details of where a hackney carriage or PHV drivers' licence has been refused or revoked, and allow licensing authorities to check new applicants against the register. This should help to prevent people found to be not fit and proper in one area from securing a licence somewhere else through deception and non-disclosure, and adhere to UK GDPR regulations. The information to be placed on the database is:
 - name
 - date of birth
 - address and contact details
 - national insurance details
 - driving licence number
 - decision taken
 - date of decision
 - date decision effective

- 3.4 Any authority searching the database and finding these brief details may then decide to submit an information disclosure form to the original licensing authority.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 No new consultation is required in order to start using the NR3 database. The council will communicate use of the NR3 database to all licence holders, and the council will use the NR3 database in the way set out in this policy.
- 4.1.2 All drivers who have had their licence refused or revoked in the past 25 years will be notified, at their most recent known address and by email where that information is held, that the council intends to share the details of their refusal or revocation on the national database.
- 4.1.3 All licence holders will be notified by email, and the council will publish on its website and on its application, and renewal forms and guidance to applicants and current licence holders that the council intends to share the details of revoked and refused licences on the national database

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no major implications for equality and diversity /cohesion and integration. A brief screening assessment has been undertaken.

4.3 Council Policies and City Priorities

- 4.3.1 This change is in line with council policies and has been discussed with the council's Finance team.

Best Council Plan

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us.

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs;
- Boosting the local economy; and
- Generating income for the council.

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time; and
- Improving customer satisfaction.

The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds;
- Effectively tackle and reduce anti-social behaviour in communities;
- Safeguarding children and vulnerable adults:

4.3.3 Leeds City Council has both a moral and legal obligation to discharge its duty of care in respect of children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or adults at risk of harm.

5.0 Resources and Value for Money

- 5.1 The use of the national register will assist the council in making decisions about whether applicants or licence holders are fit and proper persons. It is possible that making reference to the database may add to the tasks required in licensing applicants to Leeds. It is also possible that licence holders previously refused or revoked by Leeds may have applied to work in other authorities, and this may increase the tasks required in supporting other authorities with their licensing decisions.
- 5.2 The council will monitor the number of requests made and responded to in the months following implementation of this policy. The council is required to maintain a separate record of every time it searched the national register for an applicant or licence holder wishing to renew a licence in Leeds, and similarly, a record of every time the council was contacted by a separate authority about an applicant or licence holder in that authority.

6. Legal Implications, Access to Information and Call In

- 6.1 The development of the national register has been developed by the LGA with legal advice. In particular, care has been taken to balance the requirement for licensing authorities to make sound licensing decisions with data processing and privacy regulations.
- 6.2 There are no further requirements relating to access to information. The report is not available for call in.

7. Risk Management

7.1 The following risks can be identified.

- **Risk of not sharing Leeds decisions on the national database.** If the council opted not to add its refusal and revocation decisions to the national database, there is a risk that other licensing authorities would not be able to take into account the fact that a hackney carriage or private hire driver had been previously revoked or refused a licence.
- **Risk of Leeds not checking decisions on the national database.** If the council opted not to check the national database against applicants and drivers seeking to renew their licence, there is a risk that Leeds would not be able to take into account the fact that a hackney carriage or private hire driver had been previously revoked or refused a licence.
- **Risk of Leeds licensing tasks increasing because of Leeds and other authorities using the national database.** If every council uses the national database against applicants and drivers seeking to renew their licence, there is a risk that, as a large licensing authority, Leeds will have a large number of information disclosure requests about drivers who have been previously revoked or refused a licence.

8. Conclusion

8.1 The Taxi and Private Hire Licensing service has finalised its arrangements for using the national database of refused and revoked drivers.

8.2 Licensing authorities are required to satisfy themselves that those holding licences are 'fit and proper' to do so. The process of assessing whether an applicant or licensee is 'fit and proper' may vary between authorities, but there is now widespread consensus across the UK on the need to increase consistency and set national minimum standards for the fit and proper test at a suitably high level. This would help prevent individuals who have had a licence revoked by one authority from simply going to another area and securing a licence, assuming the second authority was aware of the earlier revocation.

8.3 At present, if licence holders do not disclose information about a previous revocation or refusal of a licence, there is often no way for a licensing authority to find this information out. This means that vital intelligence about an applicant's past behaviour is being missed and an individual might be able to get a new licence in another area, despite having their licence revoked elsewhere. High profile instances of this happening have undermined public confidence in the safety of hackney carriages and PHVs, and left licensing authorities open to criticism for something that is currently very difficult for them to control.

8.4 In response to these issues, the Local Government Association (LGA) commissioned the development of a national register of hackney carriage and private hire driver licence refusals and revocations, the 'National Register of Refusals and Revocations' or NR3. By using the new register, Leeds City Council will record details of where a hackney carriage or PHV drivers' licence has been refused or revoked, and Leeds City Council can check new applicants against the register. This should help to prevent people found to be not fit and proper in one

area from securing a licence somewhere else through deception and non-disclosure.

9. Recommendations

- 9.1 To seek approval from Licensing Committee before a recommendation is made to the Executive for the new policy for Taxi & Private Hire Licensing to use the national database.
- 9.2 This change will enable the team to add to the database licence holders who have previously been suspended or revoked, add licence holders when they are refused or revoked, and use the database in checking whether applicants or licence holders renewing their licence have also been previously refused or revoked. If approved by the Executive, the use of the national NR3 database will be effective from 1 November 2019.

Appendix 1 Leeds City Council NR3 Policy

Appendix 2 Equality and Diversity, Cohesion and Integration Impact Assessment