

EAST LINDSEY DISTRICT COUNCIL

Guidance Note

Hackney Carriage (Taxi) and Private Hire Vehicle (PHV) Driver Licensing – National Register of Driver Licence Refusals and Revocations (NR3 Database)

This Guidance Note relates to an initiative, which East Lindsey District Council is involved in to help strengthen Hackney Carriage and Private Hire Vehicle (PHV) licensing for the benefit of both the passengers and responsible Hackney Carriage and PHV drivers.

The Local Government Association (LGA), the representative body for the local councils, has commissioned a National Register of Taxi Driver and Private Hire Vehicle Driver Licence Refusals and Revocations (NR3). The register will be hosted by the National Anti-Fraud Network (NAFN).

The intention of the register is to prevent drivers who have had a Hackney Carriage or PHV Driver licence revoked, or an application for one refused, going to another authority to dishonestly secure a licence by failing to disclose their previous licensing history.

Instances of drivers doing this in the past have undermined public confidence in the Hackney Carriage and PHV Driver licensing authorities. The purpose of the NR3 initiative is therefore to provide a mechanism for licensing authorities to share details of individuals who have had a Hackney Carriage or PHV Driver licence revoked or an application for one refused.

The development of the NR3 has been welcomed by all sections of the taxi trade, safety groups and charities, the Department for Transport and by licensing authorities.

From 1st February 2021 this authority will begin using the NR3. This means from that point:

- Applications for new Hackney Carriage and PHV Driver licences and for driver licence renewals will be checked on the NR3.
- Where an existing driver licence is revoked or an application for licence renewal or a new licence is refused, this will be recorded on the NR3.

Background information, regarding the register, can be found on this Council's website at:

www.e-lindsey.gov.uk/article/16086/Hire-Vehicles-Driver-NR3-National-Register-of-Refusals-and-Revocations

This Authority, and other licensing authorities, will also be adding historic information on refusals and revocations of driver licences to the register. Historic data will not go back beyond the retention period of 25 years. Any relevant data entered onto the NR3, which is shown to relate to existing licence holders, may be considered as part of future licence renewal processes.

At present, this Authority will be adding historic data to the register going back to 2010. This will include:

- Name

- Date of birth
- Address
- Contact details (where information is held)
- National insurance number (where information is held)
- Driving licence number (where information is held)
- Decision taken
- Date of decision
- Date decision effective

If, at a later date, a decision is made by this Authority to add historic data going back to before 2010, then this Authority will write to the individuals affected by that decision.

Information will be retained on the NR3 for 25 years.

Where the driver licence applicant's details are flagged on NR3 during a search, this will be followed up separately between the authorities. Any such request in relation to a record will be responded to in accordance with the Authority's published policy – which can be found on the Council's website at:

www.e-lindsey.gov.uk/article/16086/Hire-Vehicles-Drivers-NR3-National-Register-of-Refusals-and-Revocations

Licensing authorities will still be required to consider each driver licence application on its own merits, but the introduction of NR3 will help ensure that they are able to do so on the basis of all the information that is relevant to an application.

All data processing and sharing undertaken by this Authority on the NR3, and with individual authorities in regard to entries on the NR3, will be undertaken in accordance with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR).

The legal basis for processing this information is that it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a Hackney Carriage Driver or PHV Driver licence.

It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under GDPR, you can do so to this Authority's Data Protection Officer. This includes submitting a Subject Access Request. The Council's Data Protection Officer can be contacted by email at: Information.Management@e-lindsey.gov.uk

You always have the right to make a complaint to the Information Commissioners Office:

<https://ico.org.uk/>

Frequently Asked Questions

Why Has the Register Been Set Up?

The NR3 Register has been developed to improve public safety and confidence in Hackney Carriage (Taxi) and Private Hire Vehicle (PHV) Driver licensing. There have been numerous high-profile cases where drivers who have been refused driver licences or had a driver licence revoked in one area have gone to another area and received a licence in another area by failing to disclose their previous history. This undermines public safety, if there are legitimate reasons why a licence was refused or revoked, and damages confidence in the Hackney Carriage Driver and PHV Driver licensing regime and trade. This is why the initiative has been widely supported by reputable drivers and firms, as it will provide a mechanism for ensuring information about refusals and revocations can be shared between all licensing authorities in a safe and secure way, removing this potential loophole.

How Will the Register Work – What Information Will be Recorded?

When the Authority revokes a driver licence, or refuses an application for one, it will record this information on NR3. The information recorded will be limited to:

- Name
- Date of birth
- Address
- Contact details (where recorded)
- National insurance number (where recorded)
- Driving licence number (where recorded)
- Decision taken
- Date of decision
- Date decision effective

Licensing authorities will search the register when they are processing new licence applications or renewals. Where an authority finds a match for their applicant on NR3, it will contact the licensing authority that recorded the entry to seek more information, which if shared, will then be used to help reach a decision on the licence application.

Will I Automatically be Refused a Licence if I am on the Register?

No. Licensing authorities are legally required to consider each licence application on its own merits, and cannot refuse an application simply because an applicant may be recorded on NR3. The purpose of the NR3 is to ensure that the authorities have full information necessary to help them reach a decision on whether an individual is fit and proper. If circumstances have materially changed since the decision that has been recorded on NR3, it may be appropriate for another authority to award a licence.

What if My Driver Licence is Suspended?

Suspensions of driver licences will not be recorded on NR3. This is because suspension should be used as either a short-term punishment or to overcome a short-term situation (e.g. driving or medical issues). Where a driver is no longer considered to be a fit and proper person to hold a licence, the licence should be revoked.

Can I Find out if my Details are on NR3?

Individuals whose details are added to NR3 will be notified of this at the point at which they are advised of the decision to refuse or revoke a driver licence.

Outside of the above times, an individual can make a Subject Access Request (SAR) for any of their personal data held on NR3. The Data Controller in respect of this data is the Licensing Authority, to whom a SAR should be submitted in the first instance. As the Data Processor, that is the organisation storing the data, the National Anti-Fraud Network will fulfil this request. Similarly, the exercise of any other rights provided under data protection legislation should be made to this Authority in writing in the first instance:

Email: Information.Management@e-lindsey.gov.uk

How Long Will Details be Held on the NR3 for?

Data will be retained on the register to help licensing authorities fulfil their statutory duty to be satisfied that a person is a fit and proper person to hold a Hackney Carriage Driver or PHV Driver licence.

These duties are set out under Sections 51, 59 and 61 of the Local Government (Miscellaneous Provisions) Act 1976; Sections 13, 16 and 17 of the Private Hire Vehicles (London) Act 1998; Section 3 of the Private Hire Vehicles (London PHV Drivers Licences) Regulations 2003; Sections 25 and 30 of the London Cab Order 1934; Sections 9 and 19 of the Plymouth City Council Act 1975 and Section 46 of the Town Police Clauses Act 1847.

In accordance with this purpose, data will remain on the NR3 for 25 years.

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