



**WATFORD
BOROUGH
COUNCIL**

LICENSING COMMITTEE

11 March 2019

7.00 pm

Town Hall, Watford

Contact

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Publication date: 1 March 2019

Committee Membership

Councillor J Fahmy (Chair)

Councillor A Dychton (Vice-Chair)

Councillors A Barton, S Bolton, J Connal, A Grimston, K Hastrick, P Jeffree, B Mauthoor, M Mills, M Parker, G Saffery, D Scudder, R Smith and D Walford

Agenda

Part A - Open to the Public

1. **Apologies for absence/ committee membership**
2. **Disclosure of interests (if any)**
3. **Minutes**

The [minutes](#) of the meeting held on 16 January 2019 to be submitted and signed.

4. **Amendment to the Guidelines for the grant of hackney carriage driver, private hire driver and operator licences (Pages 3 - 40)**

Report of the Business Compliance Officer

This report asks the committee to approve the amendment to the Guidelines to the Grant of Hackney Carriage, Private Hire Driver and Operator Licences, enabling the council to use the national register of hackney carriage and private hire drivers who had previously had their licences revoked or refused.

PART A

Report to: Licensing Committee
Date of meeting: 11 March 2019
Report of: Business Compliance Officer
Title: Amendment to the Guidelines for the grant of hackney carriage driver, private hire driver and operator licences

1.0 Summary

1.1 In July 2018 the Local Government Association (LGA), in partnership with the National Anti-Fraud Network (NAFN), launched a national register of Hackney Carriage and Private Hire drivers who had previously had their licences revoked or refused. The purpose of this register is to reduce the opportunity for drivers to apply in a new licensing authority area and to not declare that they have either had an application for a licence refused or a licence revoked by another Licensing Authority.

1.2 The register allows local authorities to check against a database of names of previously revoked or refused licences. In order to use this database the Council must amend the current 'guidelines' and notify existing and past licence holders that it intends to use the scheme.

2.0 Risks

2.1	Nature of Risk	Consequence	Suggested Control Measures	Response <i>(Treat, tolerate, terminate, transfer)</i>	Risk Rating (the combination of severity and likelihood)
	Existing drivers may feel use of the register is disproportionate or raises questions over their suitability	Drivers unhappy at Councils decision	Consultation undertaken. All existing drivers to be written to explaining reasons behind use of register	Treat	2

Decision to amend policy may be challenged by judicial review	Costly challenge to the Council	Consultation undertaken prior to any recommendations being made.	Treat	3
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3.0 Recommendations

- 3.1 That the Guidelines to the Grant of Hackney Carriage, Private Hire Driver and Operator Licences be amended to include that the Council will be using the NR3 database to both log drivers who have either had their applications to be a Hackney Carriage/Private Hire Driver refused or revoked on the grounds that they are not a fit and proper person and to check all new applicants for a Hackney Carriage/Private Hire Drivers Licence, and should the check reveal a disclosure from another Licensing Authority that the Council will make all necessary enquiries to that Licensing Authority to enable it to make a decision on whether to grant the applicant a licence.

Contact Officer:

For further information on this report please contact:

Jamie Mackenzie (Business Compliance Officer) on telephone extension: 8520, email: jamie.mackenzie@watford.gov.uk

Report approved by:

Justine Hoy, Head of Environmental Health & Licensing

4.0 Introduction

- 4.1 The Council is responsible for the licensing of hackney carriage drivers, private hire drivers and private hire operators. The purpose of this licensing regime is to ensure the safety of the public. The Licensing Authority is required when considering any application to be a Hackney Carriage/Private Hire Driver to determine if they are a 'fit and proper person' to have a licence. In order that the correct decision is reached concerning a licence holder's fitness, the Council has wide ranging powers to seek information from other authorities.
- 4.2 To assist in making this decision council officers rely upon the Guidelines for the grant of hackney carriage driver, private hire driver and operator licences (see appendix 1).

- 4.3 These guidelines were first introduced on 1st October 2016. The guidelines allow any existing driver or new applicant to see clearly the impact that any previous behaviour may have on their prospect of successfully applying for a licence. The guidelines are a starting point only and each case must be decided on its own merit.
- 4.4 Upon applying all applicants are asked to declare if they have been licensed elsewhere previously and if this licence was subject to suspension, revocation or refusal. This is a common question on application forms across the country and has been a feature of the Watford licence application for over 10 years. Currently, there is no easy way to verify this information.
- 4.5 Drivers are also required to undergo a Disclosure and Barring Service check and a separate local police intelligence check in order to ensure they have been honest in declaring all information. Any driver who makes a false declaration on an application form will commit a criminal offence. Despite this, the licensing team have issued 22 warning letters to drivers who have failed to fill in the application form correctly since July 2018.
- 4.6 These warnings usually relate to very old convictions or non-conviction issues such as arrests where no further action was taken. The majority have not impacted on the fitness of the driver to hold a licence. However, this number gives some indication of how difficult it can be to gather accurate information from applicants even when they have been drivers in Watford for some time.
- 4.7 Because of this difficulty in cross-referencing information, and due to a general increase in concern over 'cross border' hiring type work, the Local Government Association began to receive an increasing number of complaints from local authorities concerned that applicants who may have had a licence revoked or refused elsewhere were not declaring these previous incidents on any new applications in neighbouring authorities. The concern was that a driver could simply re-apply for a licence in a neighbouring authority and continue to work more or less in the same region (or another region) as if nothing had happened.
- 4.8 The LGA approached NAFN and devised NR3 as a response to this issue. The register was launched in July 2018.
- 4.9 Officers feel that this register is a very useful tool to assist with verifying applicant information and assisting with making determinations of fitness to have a licence. If the Licensing Authority is to adopt the use of this register then a change of the policy Guidelines will be required and any change of policy requires consultation. Therefore between 1st February 2019 and 27th February 2019 a consultation was open asking for feedback and comments on the proposal to amend our existing

guidelines to use the national register. Current licence holders were notified of the consultation via text message. Emails were sent to private hire operators and trade representatives. No written responses were received. One verbal mention of support was received. One licence holder verbally expressed concern that Watford Borough Council would rely upon 'false reports' against drivers made in other authority areas. This is not how NR3 operates and this was explained to the licence holder at the time.

- 4.10 The proposed amendment to the policy guidelines is taken directly from guidance issued by the Local Government Association and can be found at appendix 2.
- 4.11 Amendments to the driver application form will also be made in accordance with the LGA guidance. The proposed driver application form can be found at appendix 3. A paragraph has also been added prior to the declaration section to ensure applicants are fully aware of the risks of making any false statement.
- 4.12 Examples of the letters to be sent to existing and former licence holders can be found at appendices 4 and 5.
- 4.13 A disclosure register must be maintained and this has been created.
- 4.14 Information will be stored on the National Register for 25 years in line with Local Government Association guidance. The Environmental Health and Licensing Data Retention Schedules will be updated to reflect this.
- 4.15 It will also be necessary to update the Section's Privacy Statement to reflect that we may receive enquiries from other Licensing Authorities regarding information we put on the register or make enquiries of other Licensing Authorities if the register reveals refusals or revocations for an applicant. The Licensing Authority will also need to enter into a Data Processing Agreement with NAFN.
- 4.16 An Equality Impact Analysis was undertaken to ensure that any human right and privacy issues have been considered.
- 4.17 For clarity, this report is not seeking to consult on or amend the existing Guidelines in any other way than as outlined above.

5.0 **IMPLICATIONS**

5.1 **Financial**

- 5.1.1 There are no direct financial implications arising from this report.

5.2 **Legal Issues** (Monitoring Officer)

- 5.2.1 The Head of Democracy and Governance comments that the legal implications are contained within the body of the report.

5.3 **Equalities and Human Rights and Data Protection**

- 5.3.1 A full EIA has been prepared and is included in the background papers.
- 5.3.2 Putting details on the register will impact on an individual's Human Rights however the Licensing Authority considers that the public benefit of the register outweighs those rights in that the register should increase confidence in the Licensing system
- 5.3.3 The Licensing Authority will have full regard to the need to comply with the Data Protection Act 2018 and GDPR in its use of the register. A further policy must be written and published detailing how the authority will respond to requests for information from other authorities who use the national register.

Appendices

Appendix 1 - Guidelines for the grant of hackney carriage driver, private hire driver and operator licences

Appendix 2 – Proposed amendment to guidelines

Appendix 3 – Driver application form 2018 (draft)

Appendix 4 – letter to existing licence holders

Appendix 5 – letter to former licence holders

Background Papers

LGA Guidance on NR3

Equality Impact Analysis

EH&L Data Retention Schedule

EH&L Privacy Policy

NR3 Public Consultation

File Reference

None



**WATFORD
BOROUGH
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**Guidelines for the grant,
suspension and revocation of
Hackney Carriage Driver,
Private Hire Driver and
Operator Licences**

1. Introduction

- 1.1 This policy provides guidance to all parties on the criteria that will be taken into account when determining whether or not an Applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire Driver or Operator Licence. Whilst criminal convictions play a significant part in the Licensing Authority's determination on whether an individual is fit and proper or not, the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving abilities, and police information etc.
- 1.2 It is the responsibility of Watford Borough Council (referred to as the Council) to grant Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976. In exercising this duty the Council will regard the duty to ensure the safety of the public as the primary consideration. Licences will not be issued unless the person is considered to be 'fit and proper'.
- 1.3 In seeking to safeguard the public. The Council will ensure:
- That a person is a fit and proper person in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
 - That the person does not pose a threat to the public
 - That the public are safeguarded from dishonest persons
 - The safety of children, young persons and vulnerable adults
- 1.4 The term "Fit and Proper" for the purposes of taxi and private hire licensing is not legally defined but it has been alternatively described as "safe and suitable".
- 1.5 In determining whether a person is fit and proper to hold a **driver's** licence, those tasked with determining licences / applications are asking the following question of themselves:
- "Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"**
- 1.6 In determining whether a person is fit and proper to hold an **operator's** licence, those tasked with determining licences / applications are asking the following question of themselves:
- "Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"**
- 1.7 If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there are any doubts in the minds of those who

make the decision, then further consideration should be given as to whether a licence should be granted to that person.

- 1.8 In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), or to assess the continued fitness of existing licence holders, the Council will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work in the UK
- Medical fitness
- Standard of driving / driving ability
- The conduct of the Applicant in making the application (e.g. whether they have acted with integrity during the application process, made a misleading statement or omission)
- The previous licensing history of existing / former licence holders

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies where appropriate.

- 1.9 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for a driver's licence
- Existing licensed drivers whose licences are being reviewed
- Licensing officers
- Members of the licensing committee/sub-committee
- Magistrates and Judges hearing appeals against local authority decisions

- 1.10 In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the decision makers may depart from the guidelines. Any departure from the guidelines must be carefully considered and adequate reasoning should be recorded to explain the departure.

- 1.11 In this policy the word "Conviction" is to be defined as including **convictions, formal or informal cautions or warnings, reprimands, bind overs, conditional or unconditional discharges and other relevant information**. In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant.

For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term ‘since completion of sentence’ is to be construed in a similar way.

- 1.12 In this policy the word “Applicant” refers to **either new Applicants, or existing licence holders who are seeking renewal and existing licence holders** who are the subject of periodic auditing or are having their licence reviewed by the Council. It also includes existing licence holders who are being considered by the Council as a result of offending activity having recently come to light.

The Council reserves the right to overturn a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered or new information has come to light.

- 1.13 In drafting this policy and considering responses to the consultation consideration has been given to the Human Rights Act 1998, particularly in relation to:

- Article 6 (right to a fair trial);
- Article 8 (the right to respect for private and family life); and
- Protocol 1, Article 1 (protection of property)

- 1.14 All decisions taken under this policy will be taken in accordance with the Human Rights Act.

- 1.15 The impact of this policy on the local community of Watford, both positive and negative, has been considered.

2. General Policy

- 2.1 Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the Applicant would be required to:
- a) Remain free of conviction for an appropriate period as detailed below; and
 - b) Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the Applicant to produce such evidence).

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

- 2.2 The standards and criteria set out in paragraphs 6 to 16 below are those that would normally be applied to applications and licences. The Council may depart from these

criteria; however it must only do so in wholly exceptional circumstances¹. The otherwise good character and driving record of the Applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3. Appeals

- 3.1 Any Applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the Council is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s 77 (1)].
- 3.2 Any Applicant who is granted a driver's licence and who feels aggrieved by any of the conditions attached to that licence can similarly appeal to magistrates' court

4. Powers

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or **any other reasonable cause**.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the Council to take into account all convictions recorded against an Applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or not. Therefore the Council will have regard to all convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.
- 4.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an Applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver's licence and/or Private Hire Vehicle Operator's licence is a "fit and proper" person to hold such a licence. However, if an Applicant has any convictions, warnings, cautions or charges awaiting trial, the Council will look into:
- How relevant the offence(s) are to the licence being applied for
 - How serious the offence(s) were
 - When the offence(s) were committed
 - The date of the conviction, warning, caution etc.

¹ 'Wholly exceptional circumstances will be decided by discussion between the officer dealing with the matter, the Head of Community and Customer Service and the Chair of the Licensing Committee.

- The number of offences i.e. lots of minor offences
 - Circumstances of the individual concerned
 - Any sentence imposed by the court
 - Any comments made by the court or other information laid before the court
 - The Applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
 - Whether they form part of a pattern of offending
 - Any other character check considered reasonable (e.g. personal references)
 - Any other factors that might be relevant, for example:
 - The previous conduct of an existing or former licence holder,
 - Whether the Applicant has intentionally misled the Council or lied as part of the application process,
 - Information provided by other agencies / Council departments.
- 4.4 Existing holders of driver's licences are required to notify the Council in writing within 28 days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings. To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications or at any time during the period of the licence when the information may come to light.
- 4.5 Applicants can discuss what effect a caution / conviction may have on any application by contacting the Licensing Section for advice. It is in the Applicant's best interest to bring any relevant detail to the attention of the authority at an early stage. The time and effort involved in applying for a licence may be wasted if details come to light later which mean the application should be refused. It may also be useful to understand the possible impact of an impending conviction/caution on an existing licence.
- 4.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any Applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense.
- 4.7 The Council is also entitled to use other records and information 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 licensing authorities, and information disclosed by the police. Examples of such information sources that may be used include social care information, benefits payments etc.
- 4.8 It is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required by the application for a licence. Where an Applicant has made a false statement or a false declaration or omission on their application for the grant or renewal of a licence, the licence will normally be refused. Further applications for licences will be refused for a period of one year from the date that the lie or omission came to light.

- 4.9 The lists of offences within this Policy are not exhaustive. The Council can consider any offences not detailed in this Policy when examining the fitness and propriety of an Applicant and those offences listed below under the headings of violence, indecency, dishonesty or driving offences should likewise not be taken as exhaustive lists of offences relevant to these categories.

5. Options when determining an application/licence

- 5.1 When determining an application or considering an existing licence the Council have the following options:
- approve the application or take no further action
 - approve the application with a shorter than normal expiry date
 - refuse the application/revoke the licence/suspend the licence
 - commence enforcement action under the Council's Enforcement Policy.
- 5.2 The Authority recognises the different roles of drivers and operators and its responsibility to ensure that they are 'fit and proper' to hold such licences. For Applicants for driver's licences all of the following sections apply. Sections 11 and 12 do not apply to Applicants for private hire operators licences only.
- 5.3 Applicants who have prior convictions or driving endorsements may be invited to attend an interview with an officer where it is deemed reasonable to do so. In such cases they may be accompanied by a representative should they wish, and bring supporting evidence with them. The interviewing officer will record any mitigating circumstances. The fact that existing licensed drivers rely on their licence for their livelihood will not be seen as a mitigating factor.
- 5.4 A review of the interview will be arranged within three working days (wherever possible) with the Environmental Health and Licensing Section Head or the Head of Services, where the senior officer will review the application and the result of the interview (but not accept any new evidence) before making a determination.

6. Serious offences involving violence

- 6.1 Licensed drivers, and potentially private hire operators, have close regular contact with the public. A firm line is to be taken with those who have been found guilty for offences involving violence. An application will be refused or an existing licence revoked with immediate effect if the Applicant has been found guilty of an offence that involved the loss of life.
- 6.2 A licence will **not be granted**, or an existing licence **will be revoked with immediate effect**, where the Applicant has been found guilty of an offence such as:
- Murder
 - Manslaughter

- Manslaughter or culpable homicide while driving
- Grievous bodily harm
- Violent disorder
- Riot
- Malicious wounding or grievous bodily harm which is racially aggravated
- Aggravated burglary
- Terrorism offences
- Any related offences (including attempted or conspiracy to commit offences) that are similar in gravity to those above.

6.3 Consideration may only be given to the granting / issuing of a licence if **at least 10** years have passed since (the longest period will apply):

Conviction or finding of guilt; or

The end of any prison sentence; and/or

period released 'on licence'²

For any offence shown below:

- Arson
- Actual bodily harm
- Robbery
- Possession of firearm
- Assault Police
- Any racially-aggravated offence against a person or property
- Affray
- Any related offences (including, attempting or conspiring to commit offences) that are similar in gravity to those above.

6.4 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

6.5 Consideration may only be given to the granting / issuing of a licence if at least 5 years have passed since (the longest period will apply):

Conviction or finding of guilt; or

The end of any prison sentence; and/or

period released 'on licence'

² Most prison sentences are for a fixed period and prisoners will generally be released at the half

way point of the sentence and will spend the remaining period of their sentence 'on licence'. Time spent 'on licence' in the community is supervised by probation.

For an offence shown below:

- Obstruction
- Criminal damage
- Resisting arrest
- Any other Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence)
- Common assault
- Any related offences (including attempted or conspiracy to commit offences) that are similar in gravity to those above.

6.6 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

6.7 A licence will not be granted if an Applicant has been found guilty and/or convicted on two or more (separate) occasions for an offence of a violent nature.

7. Possession of a weapon

7.1 If an Applicant has been found guilty and/or convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

7.2 Depending on the circumstances of the offence, at least 3 years must have passed since conviction and/or finding of guilt, if the disposal is not custodial, or the completion of the sentence, before a licence is granted.

7.3 A licence will not be granted if an Applicant has been found guilty and/or convicted on two or more separate occasions for weapon related offences.

7.4 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

8. Sexual and indecency offences

8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, the Council will take a strong line in relation to Applicants or existing licence holders who have been found guilty and/or convicted of sexual offences. Similarly licensed private hire operators will have access to information regarding the location and movements of these groups of people. All sexual and indecency offences should be considered as serious. Applicants who have been found guilty and/or convicted of sexual or indecency offences that involve a third party will not be granted a licence. Such offences include:

- Rape
- Assault by penetration

- Offences involving children or vulnerable adults
- Child Sexual Exploitation
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar in gravity or related offences (including aiding abetting, attempting or conspiring to commit) offences which replace the above

8.2 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

8.3 In addition to the above the Council will not grant a licence to any Applicant who is currently on the Sex Offenders Register or any other similar register.

8.4 Applicants, drivers or operators who are notified to the council by any agency as having failed to report when required clear instances, evidence or suspicions of child sexual exploitation or human trafficking will be considered for refusal or revocation of a licence. A driver who has their licence revoked for reasons given in this section (8.4) will not be considered for a new licence for at least 5 years.

9. Dishonesty

9.1 A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Both drivers and operators may be privy to information regarding empty homes as taxis are often used as transport to airports etc. For these reasons, a serious view is taken of any conviction involving dishonesty.

9.2 A minimum period of 5 years free of conviction and/or finding of guilt will be required before an application for the grant / issue of a licence will be considered. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery

- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- fare overcharging
- any similar in gravity or related offences (including aiding abetting attempting or conspiring to commit) offences which replace the above

9.3 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

9.4 Applicants or existing licence holders that are found to have intentionally misled the Council, by way of omission or lie as part of the application process, will not be issued with a licence or will be revoked if the matter comes to light after the grant of a licence.

10. Alcohol and Drugs

10.1 A serious view is taken of any drug related offence. Taking drugs and driving poses an obvious risk to public safety, whilst Applicants who have convictions for the supply of drugs should also be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered carefully.

10.2 It is recognised nationally that taxis can travel to any location at any time without raising suspicion so they are the ideal mode of transport for moving illegal items. An Applicant for an operator's licence who has been found guilty of and/or convicted in relation to the supply of illegal substances will be refused.

10.3 As licence holders are professional vocational drivers, a serious view is taken of findings of guilt and/or convictions for driving, or being in charge of a vehicle while exceeding the legal limit or under the influence of drink or drugs. More than one finding of guilt and/or conviction for these offences raises significant doubts as to the Applicant's fitness to drive the public. At least 3 years, after the restoration of the driving licence, following a drink drive disqualification, should elapse before an application will be considered. If there is any suggestion that the Applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed. Such a report will be at the Applicant's expense.

10.4 Because of the nature of a driver's involvement with the public, a licence will not be granted where the Applicant has been found guilty and/or convicted of an offence related to the supply of drugs regardless of the disposal.

10.5 A licence will not be granted where the Applicant has been found guilty and/or convicted of an offence or offences related to the possession of illegal / controlled drugs until at least 10 years have passed since conviction if the disposal is non-

custodial or the completion of any sentence and / or licence period, and only then after full consideration of the nature of the offence/s and the quantity / type of drugs involved.

- 10.6 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the Applicant was an addict then they would be required to show evidence of 5 years free from drug taking after detoxification treatment.
- 10.7 Any existing driver or operator found guilty or convicted of an offence related to the use, supply or any other illegal involvement with drugs or alcohol will have their licence revoked with immediate effect.

11. Driving offences involving the loss of life

- 11.1 A very serious view is to be taken of any Applicant for a driver's licence who has been found guilty and/or convicted of a driving offence that resulted in the loss of life. A licence will not be granted if an Applicant has been found guilty and/or convicted of:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar in gravity offences (including aiding abetting, attempting or conspiring to commit) offences which replace the above

- 11.2 Any existing driver or operator found guilty or convicted of an offence listed above will have their licence revoked with immediate effect.

12. Other traffic offences

- 12.1 Minor traffic offences come under the following categories: Construction and use offences, Miscellaneous offences, Motorway offences, Pedestrian crossings, Speed limits and Traffic direction and signs. These offences may not ordinarily merit refusal.
- 12.2 Major traffic offences, which are all offences not covered under the headings in the paragraph above, will give rise to serious doubts about the Applicant's suitability to be a driving professional. An Applicant with any such convictions will be required to show a period of at least one year free of such convictions. For Applicants with more than one offence this should normally be increased to two years.
- 12.3 In cases where the courts have imposed a disqualification in respect of the ordinary driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

12.4 No driver will be allowed to hold a Hackney Carriage and / or Private Hire Driver or Operator Licence if they have 12 or more current points on their DVLA licence.

12.5 New applicants with 7 or more points on their DVLA drivers licence will be refused until endorsement(s) expire and the number of penalty points drops below this threshold.

13. Outstanding Charges or Summonses

13.1 If the Applicant is the subject of an outstanding charge or summons their application should be suspended until the matter is resolved.

14. Non-conviction information

14.1 The Council will also take into account situations and circumstances that have not led to a conviction. This will include acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take in relation to non-conviction information (or a complaint), the credibility of the witness / complainant and the licence holder will be taken into account.

14.2 If an applicant or existing driver or operator has been arrested for, or is on bail for or is charged with, but not convicted, with a serious offence in circumstances which suggest they could be a danger to the public, consideration should be given to refusing the application or revocation of any existing licence. Such offences would include violent and / or sexual offences.

14.3 In assessing what action to take, the safety of the travelling public must be the primary concern.

15. Licensing Offences

15.1 Some offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

15.2 Any existing driver or operator found guilty or convicted of such a taxi licensing offence will have their licence revoked.

16. Insurance Offences

16.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided the Applicant has been free of conviction for 3 years.

However, strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.

- 16.2 At least three years should elapse (after the restoration of the DVLA driving licence following disqualification), before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.
- 16.3 A driver found guilty of such an offence will have their licence revoked and will not be permitted to hold a licence for a period of at least three years.
- 16.4 An operator found guilty of aiding and abetting, or otherwise assisting the driving of passengers whilst without insurance will have his Operator's Licence revoked immediately and will not be permitted to hold a licence for a period of at least three years.

17. Applicants with periods of residency outside the UK

- 17.1 If at any time an Applicant has spent six continuous months or more overseas the Council will expect to see evidence of a criminal record check from the country/countries visited covering the whole period spent overseas.
- 17.2 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those Applicants who have lived overseas. For EU nationals suitable checks should be available, for those countries for which checks are not available, one option is to require a certificate of good conduct authenticated by the relevant embassy. Where an Applicant cannot demonstrate that they were conviction free during periods abroad the authority the onus will be on the Applicant to provide proof of their fitness and propriety. Where they cannot the application will be refused.

18. Returning Drivers

- 18.1 Applicants who have previously been licensed will be required to re-sit the knowledge test and undertake the council's training requirements for new drivers if they have not held a driver's licence in Watford for a period in excess of 6 years.
- 18.2 Applicants who have previously been licensed will be required to undertake the council's training requirements for new drivers if they have not held a driver's licence for a period in excess of 3 years.

19. Conditional discharge

- 19.1 Applicants are required to notify the Council of any conditional discharge or absolute discharge and these will be considered on a case by case basis. A conditional discharge is a finding of guilt of that offence and the same guidelines for conviction of the offence will apply.

- 19.2 If an offence is committed during the period of a conditional discharge the courts may re-sentence an offender for the offence for which the conditional discharge was given. At this point the Council may consider that offence under this policy.

20 Summary

- 20.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an Applicant permanently from becoming licensed, in most cases, an Applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. If there is doubt about the suitability of an individual to be licensed, the Licensing Sub-Committee needs to be mindful of the need to protect the public and caution should be exercised.
- 20.2 While it is possible that an Applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an Applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction.
- 20.3 Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.
- 20.4 A suspension or revocation of the licence of a driver normally takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that this is so and an explanation of why, the suspension or revocation takes effect when the notice is given to the driver. [s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.]

WATFORD COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE APPLICATION

Town Police Clauses Act 1847;
Local Government (Miscellaneous Provisions) Act 1976 Part II

Community & Environmental Services, Watford Borough Council, Town Hall, Watford WD17 3EX
E-mail: licensing@watford.gov.uk

[] I wish to apply for a three year **combined Hackney Carriage and Private Hire (Dual)** drivers' licence

[] I wish to apply for a three year **Private Hire only** drivers' licence

Please tick the appropriate box above [✓]

If you are applying to renew your licence please do so as least eight weeks before it expires. You cannot continue to drive if your licence has expired.

Answer all the questions in ink using CAPITAL letters, either ticking ✓, crossing ☒ or writing "None" where appropriate

1. Surname (family name)																														
2. All other names																														
3. All other names by which you are currently or have ever been known.																														
4. Full current address and postcode. Are you registered on the electoral role/voters register at this address?																									Yes			No		
5. At this address since (Date/Month/Year)	D				D				M				M				Y				Y									
6. Have you lived in the United Kingdom for the last five consecutive years	Yes			No			If you have not lived in the United Kingdom continually for the last 5 years you must submit a Certificate of Good Conduct from the appropriate Embassy or High Commission of the Country where you have lived. The certificate must be written in English and should be submitted with your application.																							
7. Previous address and postcode																														
8. At this address since (Date/Month/Year)	D				D				M				M				Y				Y									
9. Previous address and postcode																														
10. At this address since (Date/Month/Year)	D				D				M				M				Y				Y									
11. Previous address and postcode																														
12. At this address since (Date/Month/Year).	D				D				M				M				Y				Y									

If you have lived at more than four addresses in the last five years please continue on a separate sheet.

13. Are you entitled to work in the United Kingdom?	Yes	No	You will need to provide evidence of your entitlement to work in the United Kingdom, this can be provided by either: (1) producing your UK or EU passport, or (2) by providing your passport from another country or Biometric Residence Permit containing an endorsement detailing that you are entitled to remain and work in the United Kingdom.									
14. Daytime telephone number	0											
15. Mobile telephone number	0											
16. E-mail address	By providing an e-mail address, you agree to us communicating with you by email, including sending reminder letters and licences.											
17. Date of birth (Date/Month/Year)	D	D	M	M	Y	Y						
18. Place and Country of Birth												
19. National Insurance Number												
20. Have you ever held a hackney carriage or private hire vehicle driver's licence with this or any other Council or Authority?	Yes	No	Dates From - To				From which Council?					
21. If you have been licensed with another Council or Authority please give details of all Licensed Operators that you have worked with and provide registration numbers of all licensed vehicles that you have driven.	Licensed vehicles driven					Licensed Operators worked with						
22. Have you ever been refused or had revoked or suspended a hackney carriage or private hire vehicle driver's licence? (a check will be made against the national register of revoked or refused licences in accordance with our policy).	Yes	No	When				From which Council?					
23. Name of hackney carriage proprietor or private hire vehicle operator by whom you will be employed or work for.												
24. Details of the licensed hackney carriage or private hire vehicle that you intend to drive						You must not drive a licensed vehicle, even if the licence plate of the vehicle has been removed, unless the appropriate licence to do so has been issued to you. If you drive a licensed vehicle without the appropriate licence in place you can be prosecuted and this can prevent you from being issued a licence in the future.						
25. What is your DVLA Driver Number?												

26. Has your DVLA driving licence ever been suspended for any reason? (If so, give details)					
27. Have you ever been convicted of an offence, bound over, had a conditional or unconditional discharge, been arrested or charged by the Police for any offence or been cautioned or had a reprimand or warning issued?	Yes	No	You must declare, in the appropriate sections below, ALL previous convictions, bind overs, conditional or unconditional discharges, arrests, police charges, cautions, reprimands and warnings: criminal and non-criminal, motoring offences, fixed penalties, whether spent or unspent , no matter how long ago they occurred and no matter whether they have been declared on a previous application.		
28. Have you ever had a civil injunction or non-molestation order taken out against you?	Yes	No	If yes please give details:		
29. Are you currently on bail for any offence?	Yes	No	If yes, what are your bail conditions:		
30. Please list all DVLA driving licence endorsements or convictions including fixed penalty notices whether spent or unspent. Please continue on a separate sheet if necessary.	Date		Court	Offence	Penalty
31. Please list all spent and unspent non-motoring convictions, arrests, charges, cautions, reprimands and warnings. Please continue on a separate sheet if necessary.	Date		Court	Offence	Penalty
32. Please list all spent and unspent (motoring and non-motoring) convictions, bind overs, conditional or unconditional discharges arrests, charges, cautions, reprimands and warnings occurring outside of the United Kingdom. Please continue on a separate sheet if necessary.	Date		Country	Offence	Penalty

DATA PROTECTION – Keeping your personal information safe

Any data that you provide will be stored and processed by Watford Borough Council or its appointed agents in accordance with the law.

Information collected may be shared with other Council departments and/or organisations the Council works with who assist us in the performance of our functions. It may also be shared with outside organisations such as the Police, DWP, and County Council, to prevent and detect crime. It may be shared with insurance companies and bodies responsible for auditing or administering public funds for the prevention and detection of fraud. **It will be shared with the National Anti-Fraud Network register of revoked and refused driver licences.**

Further information on the Council's obligations to safeguard your personal information and your rights on accessing data held about you can be found on the Council's website at:

<https://www.watford.gov.uk/privacynotice> and <https://www.watford.gov.uk/ehlprivacynotice> or by telephoning 01923 278000

When you have completed this form please make an appointment at our Wiggshall Road Offices, using our online diary at www.watford.gov.uk/taxi. Please ensure you bring with you the following things, without all of these being provided your appointment will not be able to take place:

1. This completed form.
2. A debit or credit card for your payment. Details of the fees can be found at www.watford.gov.uk/driver.
3. DVLA photocard driving licence.
4. Evidence of your entitlement to work in the United Kingdom in the form of either your UK or EU passport or your passport from another country or Biometric Residence Permit containing an endorsement detailing that you are entitled to remain and work in the United Kingdom. If you don't have a passport further information regarding the documents that you will need to produce can be found at www.gov.uk/legal-right-work-uk.
5. One other form of identification which must state your full name and address, and must have been sent to you through the post. We cannot accept printed online statements or bills, or statements printed within bank or building society branches (see below):
 - Mortgage statement (no more than 12 months old)
 - Bank/building society statement (no more than 3 months old)
 - Credit card statement (no more than 3 months old)
 - P45 or P60 statement (no more than 12 months old)
 - Utility bill, but not a mobile phone bill (no more than 3 months old)
 - Financial statement – e.g. pension, ISA etc (no more than 12 months old)
 - Council tax statement (no more than 12 months old)
 - Benefits statement – e.g. tax credits, pension etc (no more than 3 months old)

Further information on acceptable documents for verifying identification for Disclosure and Barring check purposes can be found at www.gov.uk/criminal-record-check-documents.

If you are applying for the first time you must also bring:

1. Evidence of spoken English competency. If you do not have this evidence please tick here: ☐
2. A certificate confirming that you have passed a practical driving assessment which is acceptable to the council (must have been passed within the last year) – details of approved test providers are available on our website at www.watford.gov.uk/driver
3. Knowledge Test pass confirmation letter (must have been passed within the last 6 months)
4. Completed medical examination form (must have been completed within the last 6 months by the GPs practice that you are registered with)

Applicant's declaration:

Please read this section carefully. If you are unsure about any of these points, please ask a member of the licensing team for further information. If you make a false statement on your application, which includes leaving out information you should tell us, this is a criminal offence and could be enough to lead to your licence application being refused.

I declare that:

1. I have not knowingly or recklessly made a false statement in this application or left out any relevant information and I know that I can be prosecuted if I have.
2. I am entitled to work in the United Kingdom and understand that I can be prosecuted if I make an application and I am not entitled to work in the United Kingdom.
3. I have read and understood this application form and the notes that it contains.
4. I understand that I cannot drive a licensed vehicle, even if the plate is removed, unless I have been issued with a valid licence and badge and that if I do I can be prosecuted and this can prevent me from being issued with a licence in the future.
5. I understand that if I am issued with a drivers' licence by Watford Borough Council that entitles me to drive a licensed vehicle I may only use a vehicle licensed by Watford Borough Council to undertake work.
6. I understand that if I have applied for and am issued with a private hire licence I am only permitted to drive licensed private hire vehicles, not hackney carriages. However, if I have applied for and am issued with a dual drivers licence I will be permitted to drive both hackney carriages and private hire vehicles.
7. I give consent for the Council to conduct a criminals records search for the purpose of processing this application, including, where I have signed up to the Disclosure and Barring Service Update Service, conducting online Status Checks at any time the Council considers appropriate whilst my licence is in force.
8. I give consent for a copy of my application to be provided to Hertfordshire Police in order for them to conduct intelligence checks in connection with my application. I understand the results of these checks will be provided to the Council for consideration in connection with this application.
9. I undertake to inform the Licensing Department in writing of any change in my home address, contact telephone numbers or e-mail address as soon as is reasonably practicable.
10. The information on this form is used for the consideration of and processing of my application for a drivers licence. I understand that the information on this form may also be used in connection with the administration of Council Tax, and may be used by other council departments, the Department of Social Security and other public bodies for the prevention of fraud and the prevention and detection of crime.

YOUR SIGNATURE		DATE	
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FOR OFFICE USE ONLY

Reference No:/...../DUAL/PHDL

Renewal Drivers:

1.	DVLA Licence check	Date checked:	
2.	DBS Cert required? (Update Service)	Yes/No	If no, date of status check:
3.	DBS Application	Date sent:	Date received:
4.	App form to police	Date sent:	Date received:

New Drivers:

1.	Ongoing entitled to work in UK	Date checked:	
2.	Knowledge Test (6 months validity)	Date completed:	Date produced:
3.	DSA Test (12 month validity)	Date completed:	Date produced:
4.	Medical (6 month validity)	Date completed:	Date produced:
5.	Lived in UK for last 5 continuous years?	Yes/No	
6.	If no to 3. COGC to be produced	Date of cert:	Date produced:
7.	DVLA Mandate form	Date sent:	Date returned:
8.	DBS application	Date sent:	Date returned:
9.	DBS Cert required	Yes/No	Date received:
10.	DVLA Licence check	Date checked:	Date received:
11.	App form to police	Date sent:	Date received:

DL Badge Number:

Expiry:

Payment: £

Receipt:

Appendix 3 – Proposed wording of amendment to ‘Guidelines’ policy

The wording of the amendment is as follows and would be inserted after section 4.7

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This 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 or PHV licence
Therefore:

Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.

All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

name

date of birth

address and contact details

national insurance number

driving licence number

decision taken

date of decision

date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of [applying for] [being granted], a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at [link / set out separately].

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority’s statutory licensing functions of ensuring that all

drivers are fit and proper to hold the applicable 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 the GDPR, you can do so to the authority's Data Protection Officer at [contact details]. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

To all hackney carriage / PHV / dual [combined] licence holders

Dear licensee

National Register of Taxi Licence Refusals and Revocations

I am writing to make you aware of a new initiative which X authority is involved in to help strengthen hackney carriage/ Private Hire Vehicle (PHV) licensing for the benefit of both passengers and responsible hackney carriage and PHV drivers.

As you may be aware, the Local Government Association (LGA), the representative body for local councils, has commissioned a new National Register of Taxi Licence Refusals and Revocations (NR3). The register will be hosted by the National Anti-Fraud Network (NAFN). The intention of this is to prevent drivers who have had a hackney carriage or PHV 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 trade and 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 licence revoked or an application for one refused. The development of NR3 has been welcomed by all sections of the taxi trade, safety groups and charities, the Department for Transport and by licensing authorities.

From [insert date], this authority will begin using the NR3. This means that from that point:

Applications for new hackney carriage/PHV licences and for renewals will be checked on the NR3.

Where an existing licence is revoked or an application for renewal or a new licence is refused, this will be recorded on NR3.

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

The information recorded on NR3 will be limited to your:

name

date of birth

address and contact details
national insurance number
driving licence number
decision taken
the date of the decision
the date decision was effective.

Information will be retained on NR3 for 25 years. Where an 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 your record will be responded to in accordance with the authority's published policy at [details/link].

Licensing authorities will still be required to consider each 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 or PHV 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 the GDPR, you can do so to the authority's Data Protection Officer at [contact details].
You always have the right to make a complaint to the Information Commissioner's Office.

Yours sincerely

Licensing authority

Frequently asked questions

Why has the register been set up?

NR3 has been developed to improve public safety and confidence in hackney carriage and PHV licensing. There have been numerous high profile cases where drivers who have been refused licences or had a licence revoked in one area have gone to another area and received a licence in that 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 / PHV 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 an authority revokes a 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 and contact details
- ☐ national insurance number

- ☐ driving licence number
- ☐ decision taken
- ☐ date of decision
- ☐ date decision effective

Licensing authorities will then search the register when they are processing new 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 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 NR3 is to ensure that authorities have the 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 licence is suspended?

Suspensions of 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 the 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 licence.

Outside of these 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 this 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 the first instance.

How long will details be held on 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 taxi or PHV 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 Driver's 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 NR3 for 25 years.

Dear XXX

National Register of Refusals and Revocations

I am writing to make you aware of a new initiative which X authority is involved in to help strengthen hackney carriage / Private Hire Vehicle (PHV) licensing for the benefit of both passengers and responsible hackney carriage and PHV drivers.

The Local Government Association (LGA), the representative body for local councils, has commissioned a new National Register of Refusals and Revocations (NR3). The register will be hosted by the National Anti-Fraud Network (NAFN). The intention of this is to prevent drivers who have had a hackney carriage or PHV 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 both the hackney carriage and PHV trade and 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 taxi or PHV licence revoked or an application for one refused. The development of NR3 has been welcomed by all sections of the hackney carriage and PHV trade, safety groups and charities, the Department for Transport and by licensing authorities.

From [insert date], this authority will begin using the NR3. This means that from that point:

applications for new hackney carriage/PHV licences and for renewals will be checked on the NR3

where an existing licence is revoked, or an application for renewal or a new licence is refused, this will be recorded on NR3.

This authority, and other licensing authorities, will also be adding historic information on refusals and revocations of licences to the register. Historic data will not go back beyond the retention period of [25 years / the authority's own data retention period]. As part of this process, it is intended that the details of your previous [licence revocation / refusal] will be added to the register in 28 days' time.

The information recorded on NR3 in respect of your case is limited to:

name

date of birth

address and contact details

national insurance number

driving licence number

decision taken

date of decision

date decision effective.

Information will be retained on NR3 for 25 years.

Where an 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 your record will be responded to in accordance with the authority's published policy at [details/link].

Licensing authorities will still be required to consider each 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 or PHV licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

You have various rights in relation to your data: the right to request access to your data; the right to rectification or erasure of your data; the right to restrict processing of your data, and the right to object to the processing of your data for this purpose. The authority will consider any such requests and respond within one month.

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 the GDPR, you can do so to the authority's Data Protection Officer at [contact details]. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office.

Yours sincerely

Licensing authority

Frequently asked questions

Why has the register been set up?

NR3 has been developed to improve public safety and confidence in taxi and PHV licensing. There have been numerous high profile cases where drivers who have been refused licences or had a 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 / PHV 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 an authority revokes a 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 and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective.

Licensing authorities will then search the register when they are processing new 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 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 NR3 is to ensure that authorities have the 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.

Can I find out if my details are on the 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 licence.

Outside of these 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 this licensing authority, to whom a SAR should be submitted in the first instance. As the 'data processor', that is the organization 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.

How long will details be held on 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 taxi or PHV 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 Driver's 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 NR3 for 25 years.