



**OPEN
LICENSING AND APPEALS COMMITTEE**

Licensing and Appeals Committee – 21 September 2022

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

Report of Director of Regulatory Services

Report Author and Contact Details

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Wards Affected

District Wide

Report Summary

To provide the Committee with a summary of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, which received Royal Assent on 31 March 2022; and of the implications that this have already, and will have, for taxi licensing authorities in England.

Recommendations

1. That the report be noted.
2. That a process is put in place:
 - to ensure prompt reporting of safeguarding or road safety concerns about drivers licensed by other authorities, to the licensing authority that issued the driver's licence.
 - to comply with the legal timescales in "the Act", and any existing obligations under data protection legislation.
3. That any existing system the Licensing Team has in place for inputting data on to a centralised national database, (to record refusals, suspensions and revocations, is reviewed in line with the mandatory requirements of the Regulations to be made by the Secretary of State for Transport.

List of Appendices

None

Background Papers

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

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

Consideration of report by Council or other committee

No

Council Approval Required

No

Exempt from Press or Public

No

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

1. Background

- 1.1 From 31 May 2022, if any licensing authority in England receives information relating to safeguarding or road safety concerns about a taxi or PHV (Private Hire Vehicle) driver licensed by another authority and operating in its area, it must share that information with the authority that issued the driver's licence.
- 1.2 Any licensing authority provided with such information by another authority must consider whether to suspend or revoke the driver's licence and inform the authority that shared the information of its decision.

2. Key Issues

- 2.1 Local Authorities are responsible for licensing taxi (hackney carriage) and private hire drivers, and are therefore responsible as part of that process for ensuring members of the public are safe when travelling in licensed vehicles.
- 2.2 From 31 May 2022 the Act requires that where a Licensing Authority receives information relating to safeguarding concerns about a taxi or private hire vehicle driver licensed by another authority, they must share the information with the issuing authority.
- 2.3 The Act will also require licensing authorities to search a national licensing database of driver revocations and refusal for entries relating to new applicants before determining applications for driver licences. Further guidance and regulations are expected in relation to the mandatory use of a national database.
- 2.4 The Act provides the Secretary of State for Transport the power to provide or designate the database. The requirement that licensing authorities use the database will commence following regulations made by the Secretary of State for Transport.

3. Options Considered and Recommended Proposal

- 3.1 The legislation requires that from 31 May 2022 where a Licensing Authority receives information relating to safeguarding concerns about a taxi or private hire vehicle driver licensed by another authority, they must share the information with the issuing authority.

- 3.2 It is therefore recommended that a process is put in place:
- to ensure prompt reporting of safeguarding or road safety concerns about drivers licensed by other authorities, to the licensing authority that issued the driver's licence.
 - to comply with the legal timescales in "the act", and any existing obligations under data protection legislation.
- 3.3 The Council is in the process of subscribing to the National Register for Refusals and Revocations (NR3) which is recommended in the DfT's Statutory Taxi and Private Hire Vehicle Standards. It is expected that this will be the national database designated by the Secretary of State. As part of our process of making the application a GDPR risk assessment is being carried out.

That the system the Licensing Team has in place for inputting data on to a centralised national database, (to record refusals, suspensions and revocations, is reviewed in line with the mandatory requirements of the Regulations when made by the Secretary of State for Transport.

4. Consultation

- 4.1 N/A

5. Timetable for Implementation

- 5.1 As soon as is practicable.

6. Policy Implications

- 6.1 The Council's Taxi and Private Hire Licensing Policy will require revising to include information in respect of the information sharing process with other authorities and the national database of refusals and revocations.

7. Financial and Resource Implications

- 7.1 The fee for subscribing to the National Register for Refusals and Revocations (NR3), is contained in the current budget provision.
- 7.2 There are no other financial implications arising directly from this report, therefore the financial risk has been assessed as low.

8. Legal Advice and Implications

- 8.1 This report is to provide the Committee with a summary of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, which received Royal Assent on 31 March 2022; and of the implications that this have already, and will have, for taxi licensing authorities in England.
- 8.2 There are 3 recommendations in connection to this report, one is for noting, the second is to ensure that a process is put in place to adhere to timescales and the third also relates to process.

8.3 As long as there is compliance to the act, the Legal Risk at this time has been assessed as low.

9. Equalities Implications

9.1 There are no direct equalities implications. The review of Derbyshire Dales Taxi and Private Hire Licensing Policy will be subject to a comprehensive Equalities Impact Assessment.

10. Climate Change Implications

10.1 There are no direct climate change implications arising directly from this report.

11. Risk Management

11.1 The District Council has a statutory responsibility to undertake the duties outlined in the report.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive		
Director of Resources/ S.151 Officer (or Financial Services Manager)		
Monitoring Officer (or Legal Services Manager)		