

LICENSING COMMITTEE

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

30 June 2022

Report of Licensing Manager

PURPOSE OF REPORT

To inform the Committee of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, and note the current measures applied by licensing service to meet the requirements set out in legislation.

The report is public.

RECOMMENDATIONS

- 1) That the Committee note the report and current measures applied by licensing to meet the requirements of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

1.0 Introduction

- 1.1 The Council is responsible for licensing hackney carriage and private hire drivers, vehicles and private hire operators. In undertaking those responsibilities, the Council has regard to the legislation in place including case law, relevant guidance, best practice documentation and its own policies and procedures.
- 1.2 The Department for Transport (DfT) has published new statutory guidance for licensing authorities in England. The statutory guidance is intended to help licensing authorities comply with their new duties under the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 which came into effect on 31 May 2022.
- 1.3 The statutory guidance is attached at **Appendix A**. The Council will need to review its taxi licensing policies and standards to ensure they meet the standards outlined in legislation. Any measures adopted must be appropriate for Lancaster City Councils local needs, and the Council will need to be transparent in explaining the reasons for the standards it adopts.

2.0 Report

- 2.1 From 31 May 2022, if any licensing authority in England has information about a taxi or PHV driver licensed by another authority that is relevant to safeguarding or road safety concerns in its area, it must share that information with the authority that issued

that driver's licence. 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.

- 2.2 The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 will require licensing authorities in England to input, into a central database, instances where the authority has refused, suspended, chosen not to renew or revoked a taxi or PHV driver's licence based wholly or in part on information relating to the driver concerning safeguarding or road safety.

The other duties of the Act relating the refusals, suspensions, and revocations database, will come into effect once commenced via legislation at a later date. Further guidance on those duties will come in due course.

- 2.3 If there is a relevant entry, the authority must contact the recording authority to request the relevant information. The decision-making licensing authority must then have regard to the information provided when making their decision.

The act gives 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.

The guidance issued is focused on supporting compliance with the first aspect, the new duties coming into effect from 31 May 2022.

- 2.4 The act requires licensing authorities in England to report safeguarding and road safety concerns about drivers licensed by other authorities to the licensing authority that issued the driver's licence. This is because only the authority that issued a driver's licence can suspend or revoke it. (The act defines the information that would constitute a safeguarding and road safety concern)

- 2.5 Once the licensing authority becomes aware of the safeguarding or road safety concerns, it has 10 working days to provide the relevant information and any other information to identify the driver to the licensing authority that issued the driver's licence.

- 2.6 Within 20 working days of receiving the concerns, the licensing authority must inform, in writing, the licensing authority that reported the concerns whether it has suspended or revoked the driver's licence (or intends to suspend or revoke the licence).

The licensing authority must also provide its reasons for the action it has taken or intends to take. Where a licensing authority decides not to revoke or suspend a licence, the reasons for this might also include any actions short of suspension or revocation that it will take.

- 2.7 When sharing information, the relevant licensing authorities should cooperate as fully as possible, subject to their obligations under data protection legislation.

3.0 Next steps

- 3.1 As members are aware, Lancaster City Council are active users of the National Register of Taxi Licence Revocations and Refusals (NR3). A platform in which Licensing Authorities can search applicants for previous refusals or revocations in other local authority areas and input those licence holders who have their licence

refused or revoked by Lancaster City Council. It is the intention to maintain the NR3 membership and the additional legislative requirement further strengthens the position of the Licensing Authority when determining an applicant's/driver fit and proper status.

3.2 It is important that members of the licenced trade and applicants are aware of the legislative requirements, by updating information on the council's website and application forms/privacy notices.

3.3 Guidance on the second aspect, the refusals, suspensions and revocations database, will be made available to licensing authorities in due course.

4.0 Conclusion

4.1 The report introduces the provisions of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. The Council will need to review licensing procedures to ensure compliance with the legislation and associated guidance.

4.2 Public safety is the paramount consideration of the licensing regime, the introduction of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and the mandatory measures contained further strengthen the position of the Licensing Authority when determining applicants' suitability to be licensed.

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):
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There are no impact assessments associated with this report.

LEGAL IMPLICATIONS

Licensing authorities in England must have regard to the guidance issued.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the report.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces
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SECTION 151 OFFICER'S COMMENTS

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MONITORING OFFICER'S COMMENTS

BACKGROUND PAPERS	Contact Officer: Jennifer Curtis
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None

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