

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Licensing and Public Protection Committee
28 June 2022

Report Title: Update on Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

Submitted by: Head of Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

The update Members on a new piece of legislation that affects taxi licensing authorities

Recommendation

That Members note the contents of the report

Reasons

Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 has recently received Royal Assent and will affect all licensing authorities within in England.

1. **Background**

- 1.1 The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 ("the Act") received Royal Assent on 31st March 2022. It was introduced as a Private Members Bill by Peter Gibson MP.
- 1.2 The Act seeks to improve the safety of passengers in two ways. Firstly it mandates that licensing authorities must record all instances of suspensions, revocations and refusals taken against taxi drivers on a central database. Secondly it places a duty on licensing authorities that when they have certain safeguarding or road safety concerns about a driver licensed by another authority, they must provide relevant information to the authority that issued the licence, who must then consider whether to suspend or revoke that drivers' licence within a specified period.
- 1.3 The Secretary of State may issue guidance to licensing authorities in connection with these provisions and the licensing authority must have regard to it.

2. **Issues**

- 2.1 Sections 5 and 6 of the Act, which relate to the notifying another licensing authority of safeguarding or road traffic concerns about a driver licensed by them, came into force on 31st May 2022.
- 2.2 Section 5 provides that the authority that has the relevant information must share it with the driver's authority within 10 working days of becoming aware of the information.

- 2.3 Section 6 provides that the authority receiving the information must then consider whether to suspend or revoke the drivers' licence based upon the information provided to them.
- 2.4 Section 1 provides a broad definition as to what constitutes 'relevant information' that should be shared.
- 2.5 The remaining provisions, which relate to the recording of information within a central database, have not received a commencement date however the Department for Transport have indicated that their intention is to have them enacted before the end of 2022.
- 2.6 Sections 2-4 provide that where a licensing authority suspends, revokes or refuse to grant or renew a taxi driver licence they must enter that decision onto a central database along with the drivers' name, address, date of birth, national insurance number and DVLA driving licence number. They also provide that all licensing authorities must check the database for an individual's details where they have made an application for a new, or to renew a taxi driver licence. The information will be retained on the database for a period of 11 years. It is provided that there may be a fee set and charged to licensing authorities in respect of the administration of the database.
- 2.7 There is currently a voluntary register named the 'National Refusals and Revocations Database' (aka NR3 register) where authorities that are signed up to the service record all taxi driver refusals and revocations and check individuals who make applications to them. It does not currently include suspensions. The Council is signed up to this service.

3. **Proposal**

- 3.1 That Members note the contents of the report.

4. **Reasons for Proposed Solution**

- 4.1 The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 has recently received Royal Assent and will affect all licensing authorities within in England. It will be mandatory that the Council comply with the provisions within the Act.

5. **Options Considered**

- 5.1 No alternative options have been considered

6. **Legal and Statutory Implications**

- 6.1 The Act places a number of statutory duties upon the Council. The Council must comply with these.

7. **Equality Impact Assessment**

- 7.1 N/A

8. **Financial and Resource Implications**

- 8.1 It is anticipated that as the Council already use a database in a similar way to the one mandated, and that the Council regularly share information about drivers with other licensing authorities and responsible bodies such as the Police that there should not be a large implication on resources and will form part of the day to day activities of the licensing department.

8.2 There may be resource implications when the database becomes mandatory as it will require driver suspensions being added into the records. Depending on whether the NR3 register is chosen as the preferred database will determine whether just suspensions will be added, or all records of suspensions, refusals and revocations.

8.3 If a fee is levied then the Council will be liable for paying it. The NR3 register is host by an organisation called the National Anti-Fraud Network (NAFN) and the Council currently pay a fee to them for their services.

9. **Major Risks**

9.1 There are no major risks anticipated as the provision are mandating the good practice that already goes on between licensing authorities.

10. **UN Sustainable Development Goals (UNSDG)**

10.1



11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 None

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022](#)