



Northumberland

County Council

LICENSING AND REGULATORY COMMITTEE

DATE: 15 JUNE 2022

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

Report of Philip Soderquest, Director of Housing and Public Protection

Cabinet Member: Cllr. Colin Horncastle – Portfolio Holder Community Services

Purpose of report

To notify members of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and the statutory guidance

Recommendations

Members note the content of the report.

Link to Corporate Plan

This report is relevant to the Living and Enjoying priorities included in the NCC Corporate Plan 2018-2021.

Key issues

1. Local Authorities are responsible for licensing of hackney carriage and private hire drivers, and therefore are responsible as part of that process that members of the public are safeguarded when travelling in licensed vehicles.
2. The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 received Royal Assent on 31st March 2022.
3. The purpose of the Act is to protect passengers but also aid drivers of taxis and private hire vehicles by guaranteeing high standards to any would-be passengers.
4. From 31st May 2022 the Act will require Licensing Authorities that have information relating to safeguarding concerns about a driver licensed by another authority to share the information with the other authority.
5. The Act will also require licensing authorities to search the national licensing database of driver revocations and refusal for entries relating to applicants prior to granting drivers licences.

6. The Department for Transport has recently published statutory guidance for licensing authorities relating to the requirement to share information with other authorities. Further guidance is expected in relation to the use of the National Register

Background

1. From 31 May 2022, if any licensing authority in England has information about a taxi or PHV (Private Hire Vehicle) 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. Guidance has recently been issued by the Department of Transport relating to this matter.
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.
3. 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.
4. 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).
5. Guidance on the second aspect of the Act, the refusals and revocations database, will be made available to licensing authorities in due course.
6. The Act 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.
7. Before a licensing authority in England decides whether to grant or renew a driver licence, it must also search the database for any entry relating to the applicant.
8. 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.
9. 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.

Implications

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| Policy | None – The new provisions will be applied in accordance with the Act and Guidance will be issued to support the new provisions. |
| Finance and value for money | None |
| Legal | None – The new provisions will be applied in accordance with the Act and Guidance will be issued to support the new provisions. |
| Procurement | None |
| Human Resources | None |
| Property | None |
| Equalities (Impact Assessment attached) N/A <input type="checkbox"/> | |
| Risk Assessment | None |
| Crime & Disorder | The new legislation will seek to underpin the role of the council when licensing taxi and private hire vehicle drivers, and enhance safeguarding of the general public. |
| Customer Consideration | Enhanced procedures for safeguarding the Public |
| Carbon reduction | None |
| Health and Wellbeing | None |
| Wards | All |

Background paper

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

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

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

| | Full Name of Officer |
|--|----------------------|
| Monitoring Officer/Legal | |
| Executive Director of Finance & S151 Officer | |
| Relevant Executive Director | Phil Soderquest |
| Chief Executive | |
| Portfolio Holder(s) | Colin Horncastle |

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