

### **The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 (Environmental Services, Robert Smith)**

#### **Synopsis of report:**

**The purpose of this report is to inform Members of The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and a resulting amendment to Runnymede's Hackney Carriage and Private Hire Licensing Policy.**

#### **Recommendation(s):**

- i) Members note the information regarding the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022; and**
- ii) the amendments to Runnymede's Hackney Carriage and Private Hire Licensing Policy, sections 4.41 to 4.43, as set out in this report, be approved**

#### **1. Context of report**

- 1.1 The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 ("the Act") received Royal Assent on 31<sup>st</sup> March 2022.
- 1.2 The main purpose of the Act is to improve intelligence sharing by requiring licensing authorities to record information regarding drivers' adverse licensing histories (refusals, suspensions or revocations of licences), on a central database.
- 1.3 This builds on the Local Government Association's (LGA) work to tackle the issue of individuals who have had their licences revoked or refused by a licensing authority, for example for serious safeguarding or driving offences, and then applying for a licence with a different licensing authority.
- 1.4 In 2018, the LGA funded the development of the National Register of Licence Revocations and Refusals. It is known as NR3 as this is the database used to register the information. NR3 is hosted by the National Anti-Fraud Network (NAFN). The simple objective of NR3 is to provide a mechanism for licensing authorities to record details of where a taxi or PHV drivers' licence/application has previously been refused or revoked. This allows licensing authorities to check new applicants against the register and make an informed decision as to whether an applicant is fit and proper; the criteria an applicant must meet in order to be granted a licence.
- 1.5 The Department for Transport's statutory standards, published in July 2020, strongly recommended that licensing authorities use NR3 to record information on cases where they have refused or revoked licences.
- 1.6 This Council has been using the NR3 database since 2018. Our licensing process for drivers, vehicles and operators already has the NR3 check included as described in the main body of this report.

- 1.7 The Act builds on this guidance by mandating the use of a 'licensing information database.' This is because not all authorities are signed up to the NR3 check which is inconsistent. It is expected that the database that will be used for the purpose of the Act will continue to be the NR3. Further details on the designated database will be circulated by the Government in the Autumn of 2022.
- 1.8 The Act also aims to tackle issues associated with out-of-area drivers, by making it mandatory for licensing authorities to report concerns about out-of-area drivers to the council which issued their licence. This is in response to the proliferation of taxis and private hire vehicles working out of area and across licensing authority borders. This has undermined a licensing authority's ability to safeguard their local community because they are unable to take enforcement action against taxi drivers licensed by other authorities, even if they are operating in their area.
2. **Report**
- 2.1 The Act introduces several new duties on licensing authorities, which fall into two principal areas:
- 2.2 Firstly, the duty to record licensing decisions in a central database, see (i to iii below). 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 on, or partly so, information relating to the driver concerning safeguarding or road safety.
- i) Licensing authorities must keep the entry in the database up to date, including where a licensing authority suspends, revokes or refuses to grant or renew a taxi driver licence; the drivers' name, address, date of birth, national insurance number and DVLA driving licence number. Information will be retained on the database for 11 years after the entry is first made.
  - ii) Before a licensing authority in England decides whether to grant or renew a driver's licence, it must search the database for any entry relating to the applicant.
  - iii) If there is a relevant entry on an individual who has applied for a licence, 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.
- 2.3 Secondly, the duty to report concerns out-of-area drivers. From 31<sup>st</sup> 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, it must share that information with the authority that issued that driver's licence within 10 working days of becoming aware of that information.
- 2.4 Licensing authorities who receive concerns about drivers they have licensed must, within 20 working days of receiving this, inform, in writing, the licensing authority that reported the concerns whether they have suspended or revoked

the driver's licence (or intend to suspend or revoke the licence). They must also provide reasons for the action they have taken or intend to take.

### **3. Policy framework implications**

- 3.1 Runnymede's existing hackney carriage and private hire licensing policy, 4.38 to 4.46 details our approach to the NR3 and sharing information about drivers or operators with other licensing authorities.
- 3.2 In order to reflect the changes brought about by the introduction of this Act there is a need to amend the wording as follows :

Part 4.41 from its current text–

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

To the updated text-

*Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on the NR3 register in accordance with the statutory requirements of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.*

Part 4.43 from its current text–

*'Should a request be made to Runnymede for additional information from another authority we will comply with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR) and the Human Rights Act. Any decision on the release of further information will take into account the nature and seriousness of the conduct which led to the revocation or refusal to renew a licence as well as the time that has elapsed since the decision was made. Each request will be treated on its own merits.'*

To the updated text-

*'Should a request be made to Runnymede for additional information from another authority we will comply with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR) and the Human Rights Act.  
Any information released shall be in accordance with the requirements of The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022'*

- 3.3 In addition to the above, part 4.42 states the information would be retained for 25 years. This requires amending to the 11 years stipulated in the Act.

### **4. Resource implications**

- 4.1 Officers do not expect any impact on resourcing as the NR3 (if selected for use) is already in use and information sharing with other authorities is already carried out. The processes for both are well practiced and the cost is built into the licensing fee.

- 4.2 Should the NR3 database not be selected as the national database and another database is brought into use there would be some cost in setting up and entering information which would be recovered through the fee structure.

**5. Legal implications**

- 5.1 This Act places a statutory duty on licensing authorities to use a national database and share information.

**6. Equality implications**

- 6.1 There are no equality implications as a result of this Act and none of the protected characteristics are affected.

**7. Conclusions**

- 7.1 This Act changes little in our day-to-day operation around information sharing and use of a database but it does bring in a national requirement to do so which will benefit all users and the public.

**(To resolve)**

**Background papers**

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

<https://www.gov.uk/government/publications/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022>

Hackney carriage and private hire licensing policy

<https://www.runnymede.gov.uk/downloads/file/572/hackney-carriage-and-private-hire-licensing-policy>