



Report to: General Purposes Committee Meeting – 1 December 2022  
Director Lead: Matthew Finch, Director – Communities & Environment  
Lead Officer: Alan Batty, Business Manager – Public Protection, Extn. 5467

<b>Report Summary</b>	
<b>Report Title</b>	Implications of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022
<b>Purpose of Report</b>	To set out the contents of the Act and to highlight the implications for the local authority through its responsibility to licence Hackney Carriages and Private Hire Vehicles.
<b>Recommendations</b>	That Members note the contents of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and that suitable and sufficient process are in place to comply with the act.
<b>Reason for Recommendations</b>	To assure Members that the licensing authority is compliant with the requirements of the act.

## **1.0 Background**

- 1.1 The Taxis & Private Hire Vehicles (Safeguarding & Road Safety) Act 2022 (the Act) received Royal Assent on 31 March 2022 and became operative on 31 May 2022.
- 1.2 There are two main aspects of the Act. Firstly, 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.
- 1.3 Secondly, 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. 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

- 1.4 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
- 1.5 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. When sharing information, the relevant licensing authorities should cooperate as fully as possible, subject to their obligations under data protection legislation.
- 1.6 The Act defines the information that would constitute a safeguarding and road safety concern at section 1 and states that this would include information indicating that the person:
- committed a sexual offence (regardless of whether the person was charged with, prosecuted for or convicted of the offence)
  - harassed another person
  - caused physical or psychological harm to another person (regardless of whether the person was charged with, prosecuted for or convicted of the offence)
  - committed an offence that involves a risk of causing physical or psychological harm to another person
  - committed an offence under section 165, 168 or 170 of the Equality Act 2010 (regardless of whether the person was charged with, prosecuted for or convicted of the offence)
  - did anything that constitutes unlawful discrimination or victimisation against another person for the purposes of the Equality Act 2010
  - threatened, abused or insulted another person
  - poses a risk to road safety while driving
  - may be unsuitable to hold a taxi or PHV driver's licence for other reasons related to the safeguarding of passengers or road safety
- 1.7 The act requires licensing authorities in England that receive a report of safeguarding or road safety concerns about a driver it has licensed to consider whether to suspend or revoke the driver's licence. The decision must be based on the information provided about the safeguarding or road safety concerns and any other information available to the licensing authority.
- 1.8 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.

## **2.0 Proposal/Options Considered**

- 2.1 Members may recall that as prior to this act coming into force there was a voluntary national database of revocations and refusals that this authority had agreed to sign up to. Policies and procedures were amended at the time to ensure that all applications were checked against this data base and that any suspensions or revocations made by Newark and Sherwood were added to it.

2.2 In light of the above, the implementation of the act has been fairly straightforward and there have been no major implications arising from or the application of the new requirements.

### **3.0 Implications**

3.1 In writing this report and in putting forward recommendations, officers have considered a range of potential implications.

3.2 Data Protection – All drivers that have their licence revoked, suspended or refused are informed that their details will be added to the national register. These details do not include any data relating to the reasons for refusal.

### **Background Papers and Published Documents**

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