

Report to Licensing Committee

Date of meeting: 26th October 2023



**Epping Forest
District Council**

Subject: National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3)

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Committee Secretary: Therese Larsen 01992564243

Recommendations: For Information

Background

1. On 31st March 2022, the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 received Royal Assent. The Act came into effect in May 2022 and places duties on licensing authorities to improve information-sharing regarding taxi and private hire vehicle drivers, these duties include:
 - If any licensing authority has information regarding a taxi or private hire driver licensed by another licensing authority that is relevant to safeguarding or road safety concerns in its area, it must share that information with the authority that issued that drivers licence.
 - Any licensing authority provided with information by another licensing authority regarding safeguarding or road safety concerns relating to one of its drivers, must consider whether to suspend or revoke that drivers licence and inform the authority that shared the information of its decision.
 - Licensing authorities must input into a central database, instances where the authority has refused, suspended, revoked, or chosen not to renew a taxi or private hire drivers licence based wholly or in part on information relating to safeguarding or road safety concerns.
 - Licensing authorities must search the database for any new entry before it determines to grant or renew a taxi or private hire driver's licence. Where there is the licensing authority must contact the recording authority to request the relevant information. The decision-making authority must then have regard to the information provided when making its decision.
2. The aim of legislation is to improve public safety and confidence in taxi and PHV licensing. It follows numerous high-profile cases where drivers who have been refused licences or had a licence revoked in one area have gone to another area and received a licence in another area by failing to disclose their previous history.
3. Under the Act the Secretary of State for Transport has the power to provide or designate someone to provide the database. The designated database provider is the National Anti-Fraud Network.
4. It is a requirement that the Council record certain taxi and PHV driver licensing decisions relating to safeguarding or road safety concerns in the designated database. The types of licensing decision which must be recorded include:
 - refusing a taxi or PHV driver's licence application
 - refusing to renew a taxi or PHV driver's licence application

- suspending a taxi or PHV driver's licence
 - revoking a taxi or PHV driver's licence
5. The requirement to record these decisions is limited to decisions based wholly or partly on safeguarding or road safety concerns. This includes:
- 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
 - committed an offence that involves a risk of causing 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 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
6. When recording an entry on the database, the licensing authority must do so within 5 working days of notifying the driver or applicant of the decision and the record must include:
- the driver/applicant's full name
 - the driver/applicant's date of birth
 - the driver/applicant's home address
 - the driver/applicant's national insurance number
 - the driver/applicant's driving licence number, whether that person holds a GB, Northern Ireland or Community driving licence
 - the name of the licensing authority recording the decision
 - contact information for the licensing authority recording the decision to help searching licensing authorities get further information on the decision
 - the date the decision was made and the date it takes effect (if different)
 - the date any subsequent change to the decision was made and the date it takes effect (if different)
 - the end date for the suspension of the driver's licence, if relevant
7. The data is retained on the register solely to assist licensing authorities fulfil their statutory duty to ensure that an applicant is a fit and proper person to hold a taxi or private-hire vehicle licence.
8. Licensing authorities are required to keep any decisions they record on the database for 11 years. This requirement applies where a subsequent change is made to the decision, on appeal to Magistrates Court.
9. Since the new requirements have come into force, the Councils Licensing Team have added 8 entries to the database following the suspension or refusal to grant a licence.

10. As a result of searches of the National Register of Taxi and Private Hire Licence Revocations and Refusals database, 3 applications have been referred to the Councils Licensing Sub-Committee for determination, all of which have been refused.