

Licensing of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Transport with the consent of Daniel Zeichner, the Member in charge of the Bill, are published separately as Bill 22 – EN.

Licensing of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Bill

CONTENTS

Relevant information

- 1 Relevant information

Licensing information database

- 2 Duty to record information about licensing decisions in database
- 3 Duty to search database and have regard to relevant information
- 4 The database

Out-of-area drivers

- 5 Duty to report concerns about out-of-area drivers
- 6 Duty as regards reported concerns about out-of-area drivers

Guidance

- 7 Guidance

Final provisions

- 8 Interpretation
- 9 Short title, extent and commencement

A
B I L L

TO

Make provision about the exercise of taxi and private hire vehicle licensing functions in relation to persons about whom there are safeguarding or road safety concerns; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Relevant information

1 Relevant information

- (1) In this Act “relevant information”, in relation to a person, means information indicating that the person—
- (a) has committed a sexual offence (whether or not the person was charged with, prosecuted for or convicted of the offence), 5
 - (b) has harassed another person,
 - (c) has caused physical or psychological harm to another person,
 - (d) has committed an offence that involves a risk of causing physical or psychological harm to another person (whether or not the person was charged with, prosecuted for or convicted of the offence), 10
 - (e) has done anything that, for the purposes of the Equality Act 2010, constitutes unlawful discrimination against another person,
 - (f) has threatened, abused or insulted another person,
 - (g) poses a risk to road safety when driving, or 15
 - (h) may be unsuitable to hold a driver’s licence for other reasons relating to—
 - (i) the safeguarding of passengers, or
 - (ii) road safety.
- (2) A reference in subsection (1) to an offence includes a reference to the following offences— 20
- (a) attempt to commit the offence;
 - (b) conspiracy to commit the offence;

- (c) aiding, abetting, counselling or procuring the commission of the offence;
 - (d) incitement to commit the offence;
 - (e) an offence under Part 2 of the Serious Crimes Act 2007 in relation to the offence. 5
- (3) A reference in subsection (1) to an offence (including a reference having effect by virtue of subsection (2)) includes a reference to conduct that would have constituted the offence if it had been done in England and Wales.
- (4) In this section “sexual offence” means –
- (a) an offence under any of sections 1 to 12 and 14 to 17 of the Sexual Offences Act 1956 (rape, unlawful intercourse, indecent assault, forcible abduction etc), 10
 - (b) an offence under section 128 of the Mental Health Act 1959 (unlawful intercourse with person receiving treatment for mental disorder by member of hospital staff etc), 15
 - (c) an offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards child under 14),
 - (d) an offence under section 9 of the Theft Act 1968 of burglary with intent to rape,
 - (e) an offence under section 54 of the Criminal Law Act 1977 (incitement of child under 16 to commit incest), 20
 - (f) an offence under Part 1 of the Sexual Offences Act 2003, or
 - (g) an offence under section 2 of the Modern Slavery Act 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation). 25

Licensing information database

2 Duty to record information about licensing decisions in database

- (1) This section applies where, relying wholly or in part on relevant information relating to a person, a licensing authority decides –
- (a) to refuse the person’s application for a driver’s licence, 30
 - (b) to refuse the person’s application for the renewal of a driver’s licence,
 - (c) to suspend the person’s driver’s licence, or
 - (d) to revoke the person’s driver’s licence.
- (2) The licensing authority must –
- (a) make an entry recording the decision, and the information listed in subsection (4), in the licensing information database, 35
 - (b) ensure (whether by amending, removing or reinstating it) that the entry is kept up-to-date so as to reflect any subsequent change made to the decision –
 - (i) by the authority, 40
 - (ii) on appeal against the authority’s decision, or
 - (iii) on any subsequent appeal,
 during the period of 7 years beginning with the day on which the entry is first made, and
 - (c) keep a record of the relevant information and the decision until the end of the period referred to in paragraph (b). 45

- (3) The reference in subsection (2)(b) to a subsequent change made to the decision includes a reference to a subsequent decision by the authority to grant a driver's licence to the person.
- (4) The information is –
- (a) the person's full name, date of birth, home address and national insurance number, 5
 - (b) if the person holds a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988, the driver number shown on the licence,
 - (c) if the person holds a Northern Ireland driving licence, the driver number shown on the licence, 10
 - (d) if the person holds a Community licence, the number of the licence,
 - (e) the name of the licensing authority and details of how further information about the decision can be obtained from the authority,
 - (f) the type of driver's licence to which the decision relates,
 - (g) the date on which the decision was made and (if different) the date on which it takes effect, 15
 - (h) the date on which any subsequent change to the decision was made and (if different) the date on which it takes effect,
 - (i) if the decision is to suspend the person's driver's licence for a period, the date on which the suspension is to end, and 20
 - (j) such other information as the Secretary of State may by regulations made by statutory instrument prescribe.
- (5) The licensing authority must –
- (a) comply with subsection (2)(a) within the period of 5 working days beginning with the day on which the licensing authority notifies the person of its decision, and 25
 - (b) comply with subsection (2)(b) as soon as practicable after becoming aware of the change in question.
- (6) Regulations under this section may make different provision for different purposes. 30
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section "Community licence" and "Northern Ireland driving licence" have the meaning given by section 108(1) of the Road Traffic Act 1988.
- 3 Duty to search database and have regard to relevant information 35**
- (1) Before making a decision on a person's application for, or for the renewal of, a driver's licence, a licensing authority ("the first authority") must search the licensing information database for entries relating to the person.
- (2) Where any such entry was made by another licensing authority ("the second authority") – 40
- (a) the first authority must make a request in writing to the second authority for the relevant information on which the second authority relied when making the decision recorded in the entry, and
 - (b) the second authority must provide the information within the period of 20 working days beginning with the day on which it receives the request. 45

- (3) The first authority must have regard to the information when making the decision referred to in subsection (1).
- (4) Where, after complying with subsection (2)(b), the second authority makes a change to the entry in order to comply with section 2(2)(b) (duty to keep entry up-to-date) – 5
- (a) the second authority must inform the first authority of –
- (i) the change, and
- (ii) the reason for the change, and
- (b) the first authority must have regard to the information received under paragraph (a) when making the decision referred to in subsection (1) (if the decision still falls to be made). 10

4 The database

- (1) In this Act “licensing information database” means the database operated for the purposes of this Act –
- (a) by a person designated by the Secretary of State, or 15
- (b) where no such person is designated, by, or on behalf of, the Secretary of State.
- (2) The person operating the database must ensure that –
- (a) every licensing authority, relevant authority and the Department for Infrastructure in Northern Ireland are able to make entries in the database and amend, remove and reinstate entries that it has made, 20
- (b) every entry made in the database in accordance with section 2 is removed from the database at the end of the period of 7 years beginning with the day on which it is first made, and
- (c) the information contained in the database is disclosed only for the purposes of ensuring – 25
- (i) the safeguarding of passengers, and
- (ii) road safety.
- (3) A designation under subsection (1)(a) –
- (a) may contain conditions to which it is subject, and 30
- (b) may be varied or withdrawn by the Secretary of State.

Out-of-area drivers

5 Duty to report concerns about out-of-area drivers

- (1) This section applies where –
- (a) a licensing authority (“the first authority”) becomes aware of relevant information relating to a person who has driven in the first authority’s area in reliance on a driver’s licence or a relevant licence granted by another licensing authority or a relevant authority (“the second authority”), 35
- (b) the information relates to the person’s conduct in the first authority’s area, and 40
- (c) the first authority is satisfied that, had it granted the licence, it would have considered suspending or revoking it in reliance on the information.

- (2) The first authority must provide to the second authority –
- (a) the relevant information, and
 - (b) any other information of which it is aware which is relevant to identifying the person,
- before the end of the period of 10 working days beginning with the day on which the first authority became aware of the relevant information relating to the person’s conduct in its area. 5
- (3) In this section “relevant licence” means –
- (a) a licence granted by a district council in Wales under section 51 of the Local Government (Miscellaneous Provisions) Act 1976; 10
 - (b) a taxi driver’s licence or private hire car driver’s licence under section 13 of the Civic Government (Scotland) Act 1982.

6 Duty as regards reported concerns about out-of-area drivers

- (1) This section applies where a licensing authority (“authority A”) –
- (a) receives information from another licensing authority (“authority B”) under section 5 relating to a person who has driven in authority B’s area in reliance on a driver’s licence granted by authority A, or 15
 - (b) receives information of a similar nature from a relevant authority (“authority C”) relating to a person who has driven in authority C’s area in reliance on a driver’s licence granted by authority A. 20
- (2) Before the end of the period of 20 working days beginning with the date on which authority A becomes aware of the information, authority A must –
- (a) consider whether to suspend or revoke the person’s driver’s licence in reliance on –
 - (i) the information, and 25
 - (ii) any other information available to authority A, and
 - (b) inform authority B or authority C (as the case may be) in writing –
 - (i) whether or not it has suspended or revoked, or intends to suspend or revoke, the person’s driver’s licence, and
 - (ii) the reasons for that action or intended action. 30

Guidance

7 Guidance

- (1) The Secretary of State may issue guidance to licensing authorities in connection with their functions under this Act.
- (2) The Secretary of State may revise guidance issued under this section. 35
- (3) The Secretary of State must arrange for guidance under this section, and any revision of it, to be published.
- (4) A licensing authority must have regard to guidance issued under this section.

*Final provisions***8 Interpretation**

- (1) In this Act –
- “driver’s licence” means a licence granted by a licensing authority under – 5
- (a) section 46 of the Town Police Clauses Act 1847;
 - (b) section 8 of the Metropolitan Public Carriage Act 1869;
 - (c) section 9 of the Plymouth City Council Act 1975 (c. xx);
 - (d) section 51 of the Local Government (Miscellaneous Provisions) Act 1976; 10
 - (e) section 13 of the Private Hire Vehicles (London) Act 1998;
- “licensing authority” (except in the definition of “relevant authority”) means a public authority in England which has licensing functions under –
- (a) sections 37 to 68 of the Town Police Clauses Act 1847; 15
 - (b) the Metropolitan Public Carriage Act 1869;
 - (c) the Plymouth City Council Act 1975;
 - (d) Part 2 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (e) the Private Hire Vehicles (London) Act 1998; 20
- “licensing information database” has the meaning given by section 4;
- “relevant authority” means –
- (a) a district council in Wales;
 - (b) a licensing authority within the meaning of section 2 of the Civic Government (Scotland) Act 1982; 25
- “relevant information”, in relation to a person, has the meaning given by section 1;
- “working day” means any day other than –
- (a) Saturday or Sunday;
 - (b) Christmas Day or Good Friday; 30
 - (c) a day which is a bank holiday in England under the Banking and Financial Dealings Act 1971.
- (2) References in this Act to the area of a licensing authority are –
- (a) in the case of Transport for London, to Greater London;
 - (b) in any other case, to the area for which the authority acts. 35
- (3) References in this Act to the area of a relevant authority are to the area for which the authority acts.

9 Short title, extent and commencement

- (1) This Act extends to England and Wales only.
- (2) The following come into force on the day on which this Act is passed – 40
- (a) section 1,
 - (b) the power of the Secretary of State to make regulations under section 2,
 - (c) the powers of the Secretary of State to issue, revise and arrange for the publication of guidance under section 7(1) to (3),

- (d) section 8, and
 - (e) this section.
- (3) The following come into force at the end of the period of 2 months beginning with the day on which this Act is passed—
- (a) the powers of the Secretary of State to make, vary and withdraw a designation under section 4, 5
 - (b) section 5,
 - (c) section 6, and
 - (d) section 7 (so far as not already in force under subsection (2)).
- (4) The remaining provisions of this Act come into force on such day or days as the Secretary of State may by regulations made by statutory instrument appoint. 10
- (5) The regulations—
- (a) may appoint different days for different purposes, and
 - (b) may make transitional, transitory or saving provision.
- (6) This Act may be cited as the Licensing of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2018. 15

Licensing of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Bill

A

B I L L

To make provision about the exercise of taxi and private hire vehicle licensing functions in relation to persons about whom there are safeguarding or road safety concerns; and for connected purposes.

Presented by Daniel Zeichner.

*Ordered, by The House of Commons,
to be Printed, 19 July 2017.*

© Parliamentary copyright House of Commons 2018
*This publication may be reproduced under the terms of the Open Parliament Licence, which is published at
www.parliament.uk/site-information/copyright*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS