

**At a meeting of the LICENSING AND REGULATORY COMMITTEE held in the COUNCIL CHAMBER on MONDAY, 6<sup>th</sup> JUNE, 2022 at 10:00am**

**Present:-**

Councillor Fletcher in the Chair

Councillors Chisnall, P.W.L. Gibson, P. Gibson, Hartnack, S. Johnston, Mann, Mordey, G. Smith, H. Trueman, M. Walker and Wilson

**Declarations of Interest**

There were no declarations of interest.

**Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Ali, Heron and A. Wood.

**Minutes of the Last Meeting of the Committee held on 28<sup>th</sup> March, 2022 and of the Extraordinary Meeting held on 25<sup>th</sup> April, 2022 Part I**

1. RESOLVED that the minutes of the last meeting of the Committee held on 28<sup>th</sup> March, 2022, and of the extraordinary meeting held on 25<sup>th</sup> April, 2022 Part I (copy circulated) be confirmed and signed as a correct record.

**Introduction of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022**

The Executive Director for City Development submitted a report (copy circulated) which advised the Committee of the new legislation that was introduced under the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 in relation to hackney carriages and private hire vehicles for purposes relating to the safeguarding of passengers and road safety and informed the Committee of the reasons for the legislation's introduction and of any changes the Licensing Section would need to make as a result of the introduction of the legislation.

(For copy report – see original minutes)

Mr Steve Wearing, Principal Licensing Officer, presented the report and advised that the National Anti Fraud network had created a national database to allow local authorities to record details of applicants and existing drivers who had been refused the renewal of their licence or had their licence revoked. Sunderland City Council

was a member of the NAFN and routinely checked the database on receipt of applications and when considering renewals and possible suspension or revocation of licences. The Council also ensured that any information relating to an applicant or a driver whose licence was refused or revoked was uploaded to the database. Additionally the Council also shared information relating to refusals, revocations and suspensions with neighbouring authorities. The introduction of the Act imposed a statutory duty on licensing authorities to record information in a database concerning licensing decisions taken by the authority. Future reports to the Committee would confirm what provisions of the act had been applied. The decision letters would also be amended to confirm that the information was being recorded on the database.

Councillor P. Gibson queried whether the new Act would prevent people who had an application refused by one authority from being licenced by other authorities. Mr Wearing advised that it was up to each authority to consider every application on its own merits; circumstances could change which could result in different decisions being taken and the policies could vary between authorities. He expected that authorities would take into consideration previous decisions made by other authorities. It was frustrating that decisions could differ between authorities and that people could drive in areas outside of the area where their licence was granted.

Councillor Mann queried the regional meetings and efficiency of flagging issues with other authorities. Mr Wearing advised that licences were revoked in serious cases and that if a driver held multiple licences then he hoped other authorities would follow suit if one revoked a driver's licence. There was no guarantee that other authorities would revoke a licence if a driver holding multiple licences had their licence revoked by one authority. Sunderland had previously shared information with other authorities and the new requirements simply formalised this and made it a legal requirement rather than optional.

Councillor Chisnall queried whether drivers had a right to have their information removed from the database. Mr Wearing advised that the information was required to be on the database and drivers were informed of this.

Councillor PWL Gibson queried whether the national register was just for England or whether it covered the entire UK. It could be a loophole to allow drivers to continue to hold a licence if it did not cover all of the UK. Mr Wearing advised that it only covered England and Wales and he agreed that it would be beneficial if the database applied across the whole UK.

Councillor M. Walker asked whether there were any plans to standardise policies such as relating to the age of vehicles. Mr Wearing advised that there were no plans currently. It was his understanding that there were initiatives in place to introduce new legislation however he would not expect there would be any legislation relating to vehicle age. There was guidance from the Department for Transport which set out minimum standards which authorities should adopt unless there was a good reason not to.

2. RESOLVED that the content of the report be noted.

## **Local Government (Access to Information) (Variation) Order 2006**

3. RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during consideration of the remaining business as it was considered likely to include the disclosure of exempt information relating to an individual and the financial or business affairs of a particular person (including the Authority holding that information). (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1 and 3).

(Signed) J. Fletcher,  
Chairman.

### **Note:-**

The above minutes comprise only those relating to items during which the meeting was open to members of the public.

Additional minutes in respect of further items are included in Part II.