

Notice of Meeting

Licensing and Safety Committee

Councillor Gillbe (Chair),
Councillor O'Regan (Vice-Chair),
Councillors Allen, Barnard, Bidwell, Cochrane, Collings, Frewer,
Frost, Gaw, Mossom, Purnell, Smith and C Thompson

Thursday 22 June 2023, 7.30 pm
Time Square, Market Street, Bracknell, RG12 1JD



Agenda

*All councillors at this meeting have adopted the Mayor's Charter
which fosters constructive and respectful debate.*

Item	Description	Page
1.	Apologies for Absence	
	To receive apologies for absence.	
2.	Declarations of Interest	
	<p>Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.</p> <p>Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.</p> <p>Any Member with an affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.</p>	
3.	Minutes	3 - 10
	To approve as a correct record the minutes of the meeting held on 2 February 2023 and the Annual Meeting on 24 May 2023.	
4.	Urgent Items of Business	
	Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.	
5.	Notice of Public Speaking	
	To note those agenda items which have received an application for public speaking	

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6.	Annual Report	11 - 22
	To set out the work of the Licensing and Safety Committee, Licensing Panel and Licensing Service in 2022/23 Reporting: Sean Murphy	
7.	The Future of Knowledge Test	23 - 26
	To set out options with respect to the training requirements for licensed taxi drivers in relation to the 'knowledge test'. Reporting: Sean Murphy	
8.	Update on the NR3S database	27 - 34
	To inform Members of the implications and implementation of the national register of taxi licence refusals, revocations and suspensions (NR3S) which is a requirement under the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 Reporting: Julia O'Brien	

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Published: 14 June 2023

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**LICENSING AND SAFETY COMMITTEE
2 FEBRUARY 2023
7.30 - 9.05 PM**

Present:

Councillors Porter (Chair), Brossard (Vice-Chair), Atkinson, Dr Barnard, Bidwell, Brown, Brunel-Walker, Finch, Ms Gaw, Gbadebo, Mrs Ingham and Mrs McKenzie-Boyle

Apologies for absence were received from:

Councillors Allen, Kirke and Leake

19. Declarations of Interest

There were no declarations of interest.

20. Minutes

The minutes of the previous meeting of the Committee were approved subject to the wording of minute 16 being amended to contain the actual price of licences, not just the amount of increase. In addition, it was noted that the Hackney Carriage and Private Hire Licensing Policy would be presented to the next meeting.

21. Urgent Items of Business

There were no items of urgent business.

22. Notice of Public Speaking

There were no public speakers.

23. Update on Environmental Health and Trading Standards

Sean Murphy provided an annual update on the work of the Environment Health and Trading Standards Teams.

During the presentation the following was stated:

- The Service had been set a target by the Joint Public Protection Committee (JPPC) to carry out work on prior approval conversions in the housing sector, which involved inspecting properties that had been converted from commercial to residential use. The Service had identified a number of premises for inspection and had started conducting joint inspections with colleagues from the fire service and building control. This work had been ongoing throughout the year and was set to continue through the following year.
- Soon after the work on Covid restrictions concluded in March 2022, the Service had found itself assisting with the Homes for Ukraine scheme. The Service had a particular role in carrying out accommodation checks for the scheme, including DBS checks of hosts and assessments of their property's

suitability. Between the two authorities, approximately 360 of these checks had been carried out since March. Although new arrivals had largely stopped the Service was now focused on conducting checks for re-hosting within the boroughs as the six-month period for some guests came to an end.

- In 2023, the service would be conducting a big program of licensing and inspections for houses of multiple occupation, as many licenses were due for renewal. The service had also been conducting fit and proper assessments for regulated caravan sites and had updated its guidance on damp and mould. The service was encouraging people to report issues, providing advice and conducting visits as needed.
- The original air quality project was coming to a conclusion. This was a project covering all three areas (including Wokingham) within the former PPP arrangement. There were several aspects discussed, one of which pertained to the monitoring of PM 2.5, which was set to become a significant area of focus in the coming months. This was due to requirements being imposed on local authorities to extend air quality monitoring, specifically in relation to particulate matter. However, officers were still awaiting guidance from the relevant government agency in this regard.
- Another area of focus was the issue of vehicle idling, which was the subject of a recent collaboration with the NSL aimed at raising awareness. To effect change, new signage would be deployed in the Air Quality Management Areas across all three local authority areas. An annual report on air quality management was required, and the latest evaluation was quite positive. As part of the annual review an updated air quality status report, was presented to the JPPC once a year. Another significant issue was the requirement to update the Contaminated Land Strategy. This work had now been completed in Bracknell Forest and the document had been signed off by the Executive. This strategy dictated that the authority handled contaminated land concerns primarily through the planning process. Environmental health officers reviewed planning applications and made suggestions and attended planning committees where needed. Officers were awaiting the outcome of a further grant application to DEFRA to expand the existing efforts around particulate matter.
- The commercial team's primary focus had been on the food safety recovery plan, which addressed a backlog of inspections arising from the COVID pandemic. The team followed guidance from the food standards agency and aimed to visit all new premises within 28 days to ensure they knew what they were doing and could then receive a food hygiene rating. The team also conducted reactive work around food safety complaints, service requests, business advice, and health and safety referrals and notifications.
- The number of licenced events had increased significantly post-COVID, and the demand for safety advice had also grown. Many organisations had approached the service for guidance and had continued to work with them. The Safety Advisory Group had been supporting these events, and some examples included the Jubilee Events, other related events, and Bracknell Town's televised football game in the FA Cup. Officers were currently preparing to support local events in relation to the King's Coronation in May 2023.
- On the cost-of-living related issues, the service had been working with Upwork on the overall response around scams and getting advice out to people to prevent them from becoming victims of crime. This included advising people on illegal money lending scams and other forms of fraud. The service had been focusing on premises with a higher number of complaints and concerns around unsafe vehicles being sold or other allegations of unfair trading. The Trading Standards Service had carried out visits across the districts it

covered, including Wokingham. There had also been a fair bit of work around the issue of vaping and young people, including enforcement responsibilities to ensure that vaping products did not fall into the hands of young people from shops, as there was an age restriction of 18. The service had made seizures of non-compliant vaping products. Officers had created a plan to work with retailers, schools, and young people to raise awareness of the issue of counterfeit goods.

- Food safety and food standards were two different aspects. While food safety was concerned with the hygiene and safety of the premises and products, food standards involved quality, labelling, claims, allergens, and contamination, among other things. Both were essential components of the Trading Standards team's work to safeguard the food chain, which included animal health and welfare on farms. Officers took samples of the animal feed as well, as it potentially ended up in the food chain. The team frequently put out warnings on their social media profiles about scams and frauds. West Berkshire had a water safety partnership that extended the team's work around water safety to Bracknell Forest after a child had drowned in Newbury. Last summer, they had attended events with Thames Valley Police and the fire service on water safety.
- A number of days of action had also been conducted. The events undertaken jointly with the police and DVLA addressed car taxation, insurance, waste carriers' licenses, and vehicle standards more generally.
- Fly tipping was a persistent issue in the borough, and the team had undertaken an extensive program that ranged from raising awareness to investigations and imposing fixed penalty notices and prosecutions. Officers had rolled out the community safety accreditation scheme to the Lexicon staff to tackle environmental crimes like fly posting and graffiti. Some of the cases that Trading Standards handled in 2022 included a company that sold non-compliant face masks during the pandemic, underage sales of alcohol and tobacco, and the sale of puppies during lockdown.
- Fixed penalties had been issued for a number of cases, including a second fly-tipped caravan in the borough. More cases were still under investigation and would be going through the court system in the coming months.
- As for the PPP service, there were issues around income and budgets, particularly in areas like licensing where the number of license holders was shrinking. There was a need to balance the budget by managing a shrinking income effectively.
- The single cloud-based IT system was now live, which would make it easier for trade members to apply and pay online, as well as receive automatic reminders, reducing manual interventions for the applications team.
- The service's workforce strategy was based on investing in their own staff by developing and training them. Three trainee apprentices had been recruited and plan to put existing technical staff through level six apprenticeships or other professional qualifications was now in place.
- The service had maintained high levels of customer satisfaction. It was an intelligence-led service and so officers worked closely with members, who provided valuable intelligence on concerns in their wards. Mr Murphy thanked members for their ongoing support in this regard.

In response to questions the following points were noted:

- Mould in houses was a complex and increasing issue. Educational work was required, particularly in relation to ventilation.
- The Food Safety backlog should be cleared by 2023/24. Inspections were being prioritised on a risk basis.

- Officers dealing with mould were trained and qualified to deal with housing standards issues and were therefore able to carry out an assessment to determine what was causing the mould.
- A lot of work was carried out with businesses on food allergens and regular sampling was done.
- The signs designed to target idling were being put up 2.1 metres high in accordance with highways regulations where appropriate. NSL had also distributed leaflets on idling.
- Results of air quality monitor reports over recent years were positive.

24. **Fees for Taxi and Private Hire Vehicles and Operators**

Moira Fraser presented the report on Fees for Hackney Carriage and Private Hire Vehicles and Operators.

The following points were made:

- The Joint Public Protection Committee's proposed fees for 2023/24 were discussed at the Licensing and Safety Committee meeting on 20 October. Members agreed to hold a 28-day statutory consultation on private hire operator and hackney carriage and private hire vehicle licence fees.
- On 7 December, a letter was sent to the trade outlining that all other fees would be included in the Executive consultation on budget proposals. The letter explained how the trade could engage with the process and included a link to the consultation. Two responses were received in relation to the Executive consultation, neither of which related to licensing fees.

In respect of the statutory consultation, the following was noted:

- The consultation ran from 9 November 2022 to 7 December 2022.
- A public notice was placed in the Bracknell News and a notice was put up at Times Square.
- A letter was sent to the trade.
- A consultation document was placed on the PPP website.

Three responses to the consultation were received. One response was submitted on behalf of the Bracknell Hackney Carriage Drivers Association, signed by 48 of the 53 drivers. Two further responses were received from local operators. The respondents requested that the vehicle fees be capped at the 2022/23 rates, as they believed that the trade had not yet recovered from the pandemic, footfall was down, and they were in danger of going out of business.

As objections were received, the Local Government (Miscellaneous Provisions) Act 1976 required the Council to consider them and set a date on which any variation to the fees, with or without modification, would come into effect. Members were asked to consider the objections set out in Annex B. It was noted that these fees were set on a cost recovery basis and therefore, if Members were minded to reduce them, this would need to be in the form of a Council subsidy, which this Committee would need to recommend to full Council. This would need to be considered in the overall context of falling licensing income and the Council's overall budget position.

The Licensing and Safety Committee noted the comments received during the statutory consultation on variations to operators and vehicle licence fees, as set out in Annex B of the agenda. The Committee considered any amendments to the

proposed operators and vehicle licence fees, as set out in Annex A of the agenda, arising from the consultation.

The Committee **RECOMMENDED** that Full Council adopt the fees, without modification, as part of the annual fee setting process and that these fees come into effect as of 1 April 2023.

25. **New Section 182 Guidance Under the Licensing Act 2003**

The Committee was informed of the update to the Section 182 Guidance document, which had been issued by the Home Office on 20 December 2022. The new guidance provided an update to the previous version issued in April 2018. Members were reminded that in carrying out its functions, a Licensing Authority must "have regard to" guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, as stated in Section 4 of the Act. It was emphasised that the guidance was binding on licensing authorities, and any departure from it could result in an appeal or judicial review. Therefore, if any departure from the guidance was necessary, the reasons for doing so had to be clearly stated.

Members were advised that while officers would be available to assist them at licensing panels, it was important that members were aware of the guidance. The key changes to the guidance were included in the December PPP Members' Bulletin and were summarised in paragraphs 2.4 to 2.13 of the report.

Members noted the report.

26. **Thank you**

The Chair and Vice Chair thanked Members and Officers for their contributions and support over the duration of their tenure as Chair and Vice Chair.

CHAIRMAN

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**LICENSING AND SAFETY COMMITTEE
24 MAY 2023
8.38 - 8.40 PM**



Present:

Councillors Gillbe (Chair), O'Regan (Vice-Chair), Allen, Dr Barnard, Bidwell, Cochrane, Collings, Frewer, Frost, Ms Gaw, Mossom, Purnell, Smith and Thompson

1. Election of Chair

RESOLVED that Councillor Gillbe be elected Chair of the Licensing & Safety Committee for the municipal year 2023-24.

2. Appointment of Vice-Chair

RESOLVED that Councillor O'Regan be appointed Vice-Chair of the Licensing & Safety Committee for the municipal year 2023-24.

3. Appointment of Licensing Panels- Sub Committees of Licensing and Safety Committee

RESOLVED that the Licensing Panels be confirmed as a sub-committee as follows:

Licensing Panel – Sub Committee of Licensing and Safety Committee (3 Councillors)
Any three councillors drawn, as required, from the Membership of the Licensing and Safety Committee. Chairs of Panels: Any Councillor who has completed Chair training drawn, as required, from the Membership of the Licensing and Safety Committee.

CHAIRMAN

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TO: LICENSING AND SAFETY COMMITTEE
22nd JUNE 2023

ANNUAL REPORT OF THE LICENSING AND SAFETY COMMITTEE **Public Protection Manager**

1 Purpose of Report

- 1.1 To set out the work of the Licensing and Safety Committee, Licensing Panel and Licensing Service in 2022/23.
- 1.2 To explain the context of providing Licensing functions through the Public Protection Partnership (PPP).
- 1.3 To consider the funding gap and impact on the Service arising from the diminution in the number of licenses being issued.

2 Recommendations

That the Committee

- 2.1 **NOTES** the content of this report including the work of the Licensing and Safety Committee and Service related activity for 2022/23.
- 2.2 **NOTES** the funding gap and the work that is being done to mitigate this loss of income.

3 Reasons for Recommendations

- 3.1 It has been requested through previous Committee meetings that an Annual Report is provided to assist Members of the Committee to oversee the activity undertaken in the previous year and to provide direction for future activity.

4 Alternative Options Considered

- 4.1 None – this report is to note only and has been produced at the request of the Committee. It is also considered to be good practice.

5 Supporting Information

Introduction

- 5.1 The shared Public Protection Partnership (PPP) delivers a range of regulatory functions. Licensing however is distinct in the way that activities are overseen and policy is set. Whilst all decisions related to the PPP go through the Joint Public Protection Committee (JPPC), each partner authority retains its individual Licensing Committee and sets licensing related policy and monitors performance. This requires careful co-ordination and clear governance arrangements have been put in place to ensure that this happens.
- 5.2 The shared Licensing Service considers and issues a range of licences, consents, notices and permits required by businesses in order that they can deliver a range of services and goods to residents and visitors to Bracknell Forest. Legislation requiring a licence/consent/notice/permit for a business activity is generally enacted in order to protect users of a service or the wider community such as those that might be

affected due to their proximity to the licensed premises or their interaction with an individual licence holder. Animal Welfare licensing provisions are there to protect the health and wellbeing of animals in regulated settings such as kennels or performances. Good regulation, properly implemented also provides a level playing field for the licensed sector.

- 5.3 It is acknowledged by the licensed sector that an effective licensing regime, soundly administered and founded on sensible and effective policies creates consumer confidence which in turn is positive for licence holders. The service is aware that the licensing function, whilst offering protection, can also act as a barrier to others who wish to deliver services or supply goods and every effort is made to assist businesses to understand and progress through the licensing process. The service therefore has a number of functions including business advice, processing of applications, monitoring compliance and where necessary taking enforcement action.
- 5.4 As part of the work to streamline the service and in order to add resilience to the teams the Applications Team was merged with Licensing Operations during 2021/22. The Team establishment comprises around 10.3 FTE posts albeit there are number of vacancies. It is hoped all vacancies will be filled in the next three months. This has meant that the service has had to engage agency licensing officers to provide cover which has had a budgetary impact. The Service has recently successfully recruited a licensing officer and the applications team is at full strength.
- 5.5 There is also around 0.3FTE in terms of policy and governance work to support the Committee and assist with policy development.
- 5.6 Despite the recent recruitments, more generally recruitment of experienced and or suitably qualified Licensing Officers has proved to be very challenging. In the longer term it is anticipated that this issue will be mitigated by the implementation of the Workforce Planning Strategy. The Strategy seeks to develop our existing staff by ensuring that they have access to appropriate training and also the appointment of Trainee Regulatory Compliance Officers whose training is funded through the Apprenticeship Levy. Trainees are being allocated to the Licensing Service and are now able to provide practical delivery of aspects of the Service.

Licensing and Safety Committee

- 5.7 The [Licensing and Safety Committee](#) is responsible for setting the policy direction that forms the basis of licensing activity in the Borough. Under the Licensing Act 2003 and the Gambling Act 2005 there is a legal obligation for the Council to set key policies. In other areas the Council has a range of powers to set licence conditions and adopt sector specific policy positions. There is also a requirement for the Council to have a Licensing Committee of between 12 and 15 Members.
- 5.8 The Licensing and Safety Committee comprises 15 Members and the 2022/23 membership is set out below:

Conservative Group	Nick Allen, Nigel Atkinson, Dr Gareth Barnard, Michael Brossard (Vice Chairman), Marc Brunel-Walker, Alvin Finch, Moira Gaw, Michael Gbadebo, Sandra Ingham, Ian Kirke, Ian Leake, Tina McKenzie-Boyle , John Porter (Chairman)
Labour Group	Tricia Brown, Paul Bidwell

5.9 Following the annual Council meeting on the 24 May 2023 the 2023/24 membership of the Committee is as follows:

Labour Group	Paul Bidwell, Janet Cochrane, Peter Frewer, Ryan Frost, Guy Gilbe (Chairman), Stephen O'Regan (Vice Chairman), Helen Purnell, Cath Thompson
Conservative Group	Nick Allen, Gareth Barnard, Moira Gaw, Ray Mossom
Green Group	Sheila Collings
Liberal Democrat Group	Patrick Smith, Vacancy

5.10 Over the 2022/23 period the Licensing and Safety Committee met on the 12 May 2022 (Extraordinary Meeting), 18 May 2022 (Annual Meeting), the 23 June 2022, 20 October 2022 and the 02 February 2023. The Committee considered a number of matters including:

- the annual review of fees and charges,
- reviewed and consulted on a revised set of Hackney Carriage Tariffs which were implemented in June 2022;
- Initial discussions took place on the Hackney Carriage and Private Hire Licensing Policy;
- Reviewed the changes to the revised Section 182 Guidance Issued under the Licensing Act 2003;
- received an update on the work in Environmental Health and Trading Standards in the Public Protection Partnership.

5.11 In terms of forward planning, in addition to the annual fees and charges cycle, a number of policies and decisions including the following are scheduled for consideration during the 2023/24 cycle:

- The Hackney Carriage and Private Hire Licensing Policy ;
- Changes to Hackney Carriage Tariffs if the trade submit a business case to do so;
- Street Trading Policy;
- Annual Update on Environment Health and Trading Standards.

5.12 Members are asked to consider the Forward Plan at each meeting and to add any items they wish to discuss at a future meeting.

Licensing Panel

5.13 While the Licensing and Safety Committee carries out functions relating to policy formulation the Licensing Panel determines certain licensing applications in line with the Scheme of Delegation agreed under the Licensing Act 2003 and the Gambling Act 2005. The Licensing Panel also determines applications on other matters where the Licensing and Safety Committee has determined that a person has a right of hearing before the Panel or the Executive Director of Delivery has decided that the matter should be referred to the Panel for determination. For the purpose of determining applications under the Licensing Act 2003 and Gambling Act 2005 the legislations requires the membership of each Licensing Panel (Sub-Committee) to be three Members of the Licensing and Safety Committee.

5.14 During the 2022/23 financial year the Licensing Panel met on two occasions.

Type of Application	Premise	Outcome
15 June 2022 Appeal against the refusal of a Home to School Transport Driver's Licence	Confidential Information	Refused the applicants request of a Home to School Transport Driver's Licence. Appealed to Magistrates Court. APPEAL REFUSED
30 January 2023 Application to renew street trading consent	Street Trader Crowthorne Road North	Granted a new 6-month Street Trading Consent, to run from the date when the currently closed layby pitch, from which the business traded, was re-opened and available to use.

5.15 By way of comparison in 2021/22 the Panel did not meet, in 2020/21 the Panel met on three occasions, in 2019/20 seven Panel meetings took place, ten were held in 2018/19 and nine in 2017/18.

Training

5.16 As this was the final year of the electoral cycle and the membership of the Licensing and Safety Committee was relatively stable only one training session was put in place for Members.

5.17 A cross authority Member Development Session to discuss the revised Draft Hackney Carriage and Private Hire Licensing Policy was held on the 17 May 2022 which received positive feedback from those Members that attended from both West Berkshire Council and Bracknell Forest Council.

5.18 Induction training for Licensing and Safety Committee Members post the 2023 election is being arranged,

5.19 Additional training sessions will be arranged during the year, if needed, following discussions between the Chairman and PPP and Legal Services Officers.

Taxi Trade Meetings (TTM)

5.20 The Taxi Trade Meetings have been arranged to provide a forum to meet with and consider comments from representatives of the taxi trade and seek advice from licensing officers on a range of issues that affect existing and proposed licences, policies, tariffs and fees and other matters of common interest. The outcome of these discussions is reported back to the next Licensing and Safety Committee along with any recommendations for alterations to the existing or proposed licences, policies, tariffs and fees.

- 5.21 The TTM is formed from the following and is be chaired by the Chairman of the Licensing and Safety Committee or in their absence the Vice Chairman of the Committee:
1. The Chairman and Vice Chairman of the Licensing and Safety Committee (or their nominated representatives)
 2. The Licensing Service Manager (or their nominated representative)
 3. PPP Licensing Officers (or their nominated representative)
 4. The Principle Officer Policy and Governance.
 5. Representatives from the Hackney Carriage Trade
 6. Representatives from Private Hire Trade.
 7. Representatives from the Hone to School Transport Trade.
- 5.22 During 2022/23 three meetings of the TTM took place on the 25 July 2022, 08 August 2022 and 03 October 2022. These meetings were primarily set up to discuss the Draft Hackney Carriage and Private Hire Licensing Policy.
- 5.23 Two scheduled meetings usually take place each year. The October meeting usually includes a discussion on the fees proposed by the Joint Public Protection Committee and sets out the consultation process for both the statutory consultation (for the Taxi and Private Hire Vehicles, Drivers and Operators fees) and the budget consultation on the wider licensing fees that pertain to the trade.
- 5.24 The January meeting considers the feedback from the consultations and an initial discussion also takes place with the trade to consider their thoughts on the tariffs for the forthcoming year prior to them submitting a business case if they wish to propose any modifications to the tariffs that year.
- 5.25 The Terms of Reference of the TTM are attached as Appendix B to this report.

Resourcing and Income

- 5.26 For the financial year 2022/23 the shared licensing service saw a shortfall in income of £98K from pre-pandemic levels. Some of this decline had already started pre-Covid, such as gambling premises which have been closing for a number of years through to taxi and private hire vehicles who are facing competition from operators such as Uber. Covid saw a number leave the sector and there is no indication that many of these will return due to corporate use of private hire declining and competition increasing. The Public Protection Manager is reviewing this as part of a wider budget review.
- 5.27 The service will undertake a fundamental review in 2023/24 to deliver an officer structure that takes account of the new income levels and the use of new technology through the cloud based IT system once it is fully operational. We also need to move to delivering a lot more in-house functionality such as animal welfare inspections and safeguarding and disability awareness training. This will be done through implementation of the Workforce Strategy.
- 5.28 Finally we will also need to review our discretionary fee base in the context of the reduced cohort of licence holders that provide the income base to deliver the service as well as the effects of inflation on the service cost base.

- 5.29 A great deal of work is going on to rebalance the service through the delivery of a workforce strategy focussed on a 'grow our own' where we are investing in apprenticeships, post graduate professional qualifications and post-entry training for both new and existing officers.

Development of Single Case Management System

- 5.30 The service has been transitioning to a new single case management system over the last year. Whilst this is largely complete there are still areas where further work is needed. Once completed the new system will allow licensing applicants to apply and pay on line and will send out automatic renewal reminders.

Communication and Engagement

- 5.31 A further aspect of the Committee's role, supported by officers, is that of assisting businesses to grow whilst complying with the legal requirements and conditions. The Service provides a range of advice and information sheets via its [website](#). The Bracknell website has appropriate links to relevant pages on the PPP website. The PPP has also expanded its social media presence with active Facebook and Twitter pages.

Facebook: [@PublicProtectionPartnershipUK](#)

Twitter: [@PublicPP_UK](#)

- 5.32 Additionally officers regularly meet with applicants or licence holders to give guidance, such as visiting private hire operators at their offices and taxi drivers at the ranks and inspecting licensed premises. They also attend meetings such as the local pubwatch group.
- 5.33 The Licensing Service also meets and works closely with partner authority home to school transport teams to ensure closer working relationships to protect the safety of vulnerable children.
- 5.34 PPP Licensing data shows that it dealt with 312 service requests in 2022/23 a 20% increase compared to 260 in 2021/22. For additional context 272 were received in 2020/21, 168 in 2019/20, 199 in 2018/19 and 210 in 2017/18. These are primarily requests for advice etc. This figure does not include licensing applications.
- 5.35 The work of the Licensing Service has always been a feature of the overall PPP customer satisfaction performance. Where issues have arisen there is a procedure for following these up. Service improvements are managed through the Quality Management System and recorded within our Improvement Action Logs.

Legislative Changes

- 5.36 There are a number of legislative changes which will have an impact on both the taxi trade and hospitality sector. Some examples are set out below.
- 5.37 The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 (the act) received Royal Assent on 31 March 2022 (aka Sian's Law). The Act places a legal duty on licensing authorities to record certain information in a national database including decisions to refuse, refuse to renew, suspend and revoke licences of taxi and private hire drivers. The implementation of this Act has placed a number of new duties on the licensing and these are set out in a separate report to the Committee at this meeting.

- 5.38 On 28 June 2022, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 (“The 2022 Act”) took effect in England, Scotland, and Wales. It amended the Equality Act 2010 to introduce new, and amend existing, duties for local authorities and taxi and private hire vehicle (PHV) drivers and operators. The 2022 Act aims to ensure that disabled people can use taxi and PHV services with confidence that they do not face discrimination. It is now a requirement for all authorities to publish a list of licenced taxis and PHVs they designate as being [wheelchair accessible](#).
- 5.39 The enactment of this legislation requires taxi and PHV drivers to:
- Accept the carriage of any disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.
 - Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.
- 5.40 In addition PHV operators must accept bookings for or on behalf of any disabled person, if they have a suitable vehicle available.
- 5.41 Prepare and Protect Duty - Following the Manchester Arena atrocity and the development of Martyn’s Law, all business settings will have a duty to protect the public. It is anticipated that the ‘Protect Duty’ will be implemented in the next twelve months. The Licensing Team will be working with partner agencies and engaging with licensed businesses throughout this process.
- 5.42 Nationally there has been a significant increase in the number of complaints about non- surgical body enhancements. The Department for Health and Social Care has stated that it is taking forward work to “Introduce a licensing scheme for non-surgical cosmetic procedures in England, which will strengthen oversight of practitioners and businesses providing these treatments, and make it an offence for anyone to carry out specified non-surgical procedures without a licence”.

Looking Ahead

- 5.43 Recruitment and development of staff will be a priority for the Service in 2023/24. It is anticipated that the implementation of the new IT system once fully operational will start to deliver efficiencies for the Service and provide a better experience for our customers including those applying for and holding licences with us.
- 5.44 Alongside this we have the policy reviews set out in this report and the fee review in the context of the changed licensing landscape and new duties.

Background Papers

None

Appendices

Appendix A - Number of licence valid at date stated

Appendix B – Taxi Trade Meeting Terms of Reference

Contact for further information

Sean Murphy, Public Protection Partnership Manager

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Appendix A – Number of licence valid at date stated

Type	01/04/19	01/04/20	01/04/21	01/04/22	01/04/23
Private Hire Operators	50	50	28	30	37
Private Hire Vehicles	176	184	107	104	91
Private Hire Vehicles (with dispensation)		5	5	20	20
Private Hire Drivers	167	145	94	96	104
Dual (Hackney Carriage and Private Hire) Drivers	157	160	140	109	105
Hackney Carriage Vehicles	77	78	52	57	52
Home to School Drivers	12	20	16	17	16
Home to School Vehicles	33	47	46	49	43
Home to School Operator	0	0	0	0	0
Animal Boarding Establishments and dog breeders	8	10	20	16	16
Home Boarders of Dogs	45	43	39	34	39
Riding Establishments	5	4	6	6	5
Performing Animals	5	0	0	4	3
Pet Shops	6	7	5	3	5
Scrap Metal Site	2	2	2	2	1
Scrap Metal Mobile Collectors	3	6	6	6	6
Dermal Personal and Premises Registration	-	206	216	228	259
Personal Licences	1424	1498	1532	1586	1593
Premises Licences	234	193	179	238	N/a
Premises Licences application (no alcohol)		47	47	47	N/a
Temporary Event Notices	280	294	26	138	135
Club Premises Certificates	20	18	17	17	16
Street Traders	17	22	23	17	27
Street Collections	33	29	4	15	N/a
House to House Collections	23	31	22	32	N/a
Small Society Lotteries	65	38	37	46	56
Licensed Premises Gaming Machine Permits	13	13	14	13	16
Notification of 2 or less Gaming Machines	29	29	29	29	29
Club Machine Permits	8	7	6	7	7
Club Gaming Permits	0	9	0	0	0
Bingo Premises	0	0	0	1	1
Adult Gaming Centres	1	0	0	1	1
Betting Premises	10	10	10	9	9
TOTALS	2966	3205	2728	2977	??

Note: for TENs, street collections and house to house collections, the figure given is the total number of notices / applications received within the calendar year

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Bracknell Taxi Trade Meeting

Terms of Reference

Purpose:	To establish the agreed Terms of Reference for the Bracknell Taxi Trade Meeting (TTM).
Release Date:	April 2021
Author:	Moira Fraser (Principal Officer, Policy and Governance)

1	Purpose
<p>To provide a forum to meet with and consider comments from representatives of the taxi trade and seek advice from licensing officers on a range of issues that affect existing and proposed licences, policies, tariffs and fees and other matters of common interest.</p> <p>To report back to the Licensing and Safety Committee with any recommendations for alterations to the existing or proposed licences, policies, tariffs and fees.</p>	
2	Terms of reference
<p>The terms of reference are:</p> <ol style="list-style-type: none">1. To consider the Council's current licence arrangements for Hackney Carriage Vehicles (HCV) and Private Hire Vehicles (PHV).2. To consider the current legal framework within which the Council operates.3. To consider the views of trade members.4. To consider the views of Licensing officers.5. To consider examples of best practice.6. To consider and recommend to the Licensing and Safety Committee how the current licences and policies could be amended to better accommodate trade members, whilst maintaining Bracknell Forest Council's legal obligations, statutory duties and goal of delivering value for money for its residents.7. To consider the implications of new technology, innovative practices and any changes in legislation that will have an impact on the taxi trade and the Council's associated policies.	
3	Membership

The TTM is to be a joint Member/Officer/ Trade Representative Group formed from the following:

1. The Chairman of the Licencing and Safety Committee (or their nominated representative)
2. The Vice Chairman of the Licensing and Safety Committee (or their nominated representative)
3. Members of the Licensing Committee
4. The Public Protection Manager (or their nominated representative)
5. The Licensing Team Manager (or their nominated representative)
6. The PPP Licensing Officer (or their nominated representative)
7. The Team Manager - Operations Support (or their nominated representative)
8. Representatives from the Hackney Carriage Trade
9. Representatives from Private Hire Trade.

The Quorum for the meeting will be two representatives from the Council (Officers and Members) and two representatives from the trade.

The forum will be chaired by the Chairman of the Licensing and Safety Committee or in their absence the Vice Chairman of the Committee. If the Chairman or Vice-Chairman are not present an election amongst the other members of the Licensing and Safety Committee will be held at the start of the meeting to elect a Chairman to preside over the meeting.

4.	Meetings
<p>At least two meetings will be held annually including a meeting as part of the annual fee setting process. Ad hoc meetings to be arranged at the request of the Licensing and Safety Committee, the Chairman of the Licensing and Safety Committee, Officers or representatives of the trade.</p> <p>Where an ad hoc meeting is requested the Chairman in consultation with the Public Protection Manager will consider the request and if it is deemed necessary will agree a date and time for that meeting.</p>	

End of document

TO: LICENSING AND SAFETY COMMITTEE
22nd JUNE 2023

THE FUTURE OF KNOWLEDGE TEST **Public Protection Manager**

1 Purpose of Report

- 1.1 To set out options with respect to the training requirements for licensed taxi drivers in relation to the 'knowledge test'.

2 Recommendations

That the Committee

- 2.1 **CONSIDERS** the options set out in 6.1 below.
- 2.2 **RESOLVE** to adopt one of these options or such other option as the Committee determines.

3 Reasons for Recommendations

- 3.1 It has previously been suggested by the Licensing and Safety Committee and the Joint Public Protection Committee that the requirement to undertake the geographical element of the 'knowledge test' be removed due to the prevalence of satellite navigation systems.

4 Alternative Options Considered

- 4.1 The options are set out in paragraph 6.1

5 Supporting Information

Introduction

- 5.1 All drivers involved in any kind of hire or reward work need to be licensed. During the licensing application process drivers are required to undertake various checks and assessments. This includes for example a medical assessment, a practical driving assessment, Disclosure and Barring Service (DBS) checks and proof of eligibility to work. Drivers are also required to undertake specified training including safeguarding and disability awareness and a 'knowledge test'. The cost of a new licence includes initial tests, safeguarding and disability training.
- 5.2 In terms of the 'knowledge test' applicants are tested on two elements, firstly the laws relating to the type of licence that they have applied for and the conditions attached to the licence. Secondly they are tested on their geographical knowledge of locations in the area. In addition, Hackney Carriage drivers are given an oral test of specific routes to destinations in the Borough based on map work. The cost of the initial test is included in the licence but if the applicant fails the test (a pass mark of 80% is required), they can retake the test but are charged for doing so. This is due to the fact that all fees are set on a cost recovery basis and this is a relatively time consuming activity for officers to administer.
- 5.3 One of the issues that was raised during the discussion about the 2023/24 fees was that the Members wanted Officers to revisit the requirements around the 'knowledge

test'. The cost of a knowledge test increased from £74 to £80 this financial year. On re-take the full fee is payable even if they only have to re-take one element of the test

- 5.4 Members of the Joint Public Protection Committee (JPPC) and Members of both West Berkshire and Bracknell Forest Council's Licensing Committees queried if the second part of the test (i.e. the geographical knowledge) was still needed given the prevalence of satellite navigation systems available to drivers. They asked that consideration be given to removing this element of the test, thereby reducing the time needed for the test which would in turn mean that the cost could be reduced.
- 5.5 Officers explained at the time that it would be possible to remove the geographical element should Members be minded to agree this. It was agreed that a report would be brought back to this meeting for a discussion to agree a way forward in advance of the fee setting process for 2024/25.
- 5.6 One of the issues that Members may also wish to consider is if the retention of the geographical element of the test helps to ensure that drivers have a comprehensive grasp of the local area that they work in thereby inspiring public trust in the local trade. Removal might also create a disparity between those that have already undertaken the test and those that have not. It remains a requirement in many local authorities.
- 5.7 Officers are therefore proposing that in order to establish the local view and in the interests of openness and transparency it would be useful to undertake a short consultation exercise. It is proposed that the consultation would run from the 07 June to the 28 June 2023. We would write to all members of the local trade, elected members, town and parish councils and include the consultation on the website and support it with a press release and social media posts. The outcome of the consultation would then be factored into the fee setting process and a report would be brought back to the October Licensing and Safety Committee meeting alongside the fees proposed by the Joint Public Protection Committee.
- 5.8 If Members are minded to make this change the current Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers (section 6 Knowledge Test) will need amending. Pending the outcome of the consultation Officers will draft amendments to the notes, if necessary, as set out below for members to consider at the October meeting:

"6.1 All new drivers will be required to take and pass a written knowledge test. Chauffeur driver and Home to School driver applicants will be exempt from the geographical section of the knowledge test only.

LG(MP)A s51

6.2 All applicants will be tested on the laws relating to the licence that they have applied for, the conditions laid down in the Guidance Book, and their geographical knowledge of locations in the area. In addition, Hackney Carriage drivers will be given an oral test of specific routes to destinations in the Borough. If the applicant fails the test, they may re-take it but will be charged for any subsequent test. A pass mark of 80% applies to all sections.

BF(LC)

6.3 Any new private hire operator licence applicant who is not already a licensed driver, or applying to be a licensed driver, must pass the private hire knowledge test (theory section only) prior to an operator licence being granted.

BF(LC")

5.9 During discussion on changes to the draft revised Hackney Carriage and Private Hire Licensing Policy Members did agree that Home to School drivers should be excluded from the requirement to undertake a knowledge test in recognition of the nature of the work undertaken by them in any event. The decision taken by the Committee on hackney carriage and private hire drivers will be reflected in the revised policy too.

6 Options

6.1 The Committee:

- a) **RESOLVES** to remove the geographical aspect of the 'knowledge test' and amend the relevant conditions and policies to support this decision; or
- b) **RESOLVES** to retain the geographical aspect of the 'knowledge test', or
- c) **RESOLVES** to consult of the future of the geographical aspect of the 'knowledge test' and determine the matter at the October 2023 meeting of the Committee having considered any consultation responses.

Background Papers

[Bracknell Forest Guidance Notes and Conditions for Hackney Carriage and Private Hire Owners, Operators and Drivers](#)

Appendices

None

Contact for further information

Sean Murphy, Public Protection Partnership Manager

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To: **Licensing and Safety Committee**
22 June 2023

Update on the National Register of Taxi Licence Revocation, Refusals and Suspensions (NR3S) Public Protection Manager

1 Introduction

- 1.1 This report informs Members of the implications and implementation of the national register of taxi licence refusals, revocations and suspensions (NR3S) which is a requirement under the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 hereafter known as the Act.
- 1.2 The report also sets out the procedure that will be followed by the Council when requesting or disclosing information associated with the register.
- 1.3 The Local Government Association (LGA), the representative body for local councils, has commissioned a new national register of taxi licence refusals, revocations and suspensions (NR3S). The register is being hosted by the National Anti-Fraud Network (NAFN).
- 1.4 The intention is to prevent drivers who have had a hackney carriage or private hire drivers licence revoked, suspended or an application for one refused, going to another council to dishonestly obtain a licence by failing to disclose their previous licensing history. It is hoped that use of the register will improve public safety and confidence in hackney carriage and private hire licensing.

2 Supporting Information

- 2.1 The Local Government Association has commissioned the development of a national register of hackney carriage and private hire vehicle driver licence refusals, revocations and suspensions known as the 'National Register of Refusals, Revocations and Suspensions or NR3S. The NR3S is a register of information about instances when a licensing authority has refused, suspended, chosen not to renew, or revoked a hackney carriage (taxi) or private hire (PHV) driver's licence, based wholly or in part on information about the driver regarding safeguarding or road safety.
- 2.2 As of the 27 April 2023 all Licensing Authorities in England are mandated to use the NR3S under the [Taxi and Private Hire \(Safety and Road Safety\) Vehicle Act 2022](#) (hereafter known as the Act).
- 2.3 The information on the database is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused, revoked or suspended in the past. The Act says that an entry on the Register should be kept for 11 years from the time when it was first made.
- 2.4 Bracknell Forest Council has signed up to use NR3S. This means that when an application for a taxi or private hire drivers' licence is refused, or when an existing taxi or private hire driver's licence is suspended or revoked, that information will be placed on the register. It also means that when an application for a new drivers'

licence, or renewal of an existing drivers' licence is received, the Licensing Team will search the NR3S.

- 2.5 The Secretary of State under Section 4 of the Act has designated the National Anti-Fraud Network Data and Intelligence Services ("NAFN") to run the register. NAFN is a not for profit, unincorporated body formed by its members to provide services which support their work in the protection of the public interest. Bracknell Forest Council is a Member of NAFN.
- 2.6 The Register which was run on a voluntary basis since 2018 was originally known as the National Register of Taxi Licence Revocations and Refusals (or the NR3 Register). It has been enhanced to meet the requirements of the 2022 Act, and rebranded as the National Register of Taxi Licence Refusals, Revocations, and Suspensions (or the NR3S Register).
- 2.7 The Act says that the following can search the database, make entries on it, and amend, remove and reinstate entries that they have made:
 - 1) Licensing authorities;
 - 2) Relevant authorities;
 - 3) The Department for Infrastructure in Northern Ireland.
- 2.8 Information is added by the authorities listed above when a licensing authority decides to do any of the following, based on certain specified information about safeguarding or road safety:
 - 1) to refuse a person's application for a driver's licence;
 - 2) to refuse a person's application for the renewal of a driver's licence;
 - 3) to suspend a person's driver's licence;
 - 4) to revoke a person's driver's licence.
- 2.9 The licensing authority must add the information set out in paragraph 3.6 about the person whose licence it has refused, suspended or revoked to the database.
- 2.10 Before making a decision on a person's application for a taxi or PHV licence (or for renewal of such a licence), a licensing authority must check the Register for entries about that person. If there is an entry the licensing authority must write to the authority that made the entry, asking for the relevant information on which the recording authority based its decision about the person; and the authority that made the entry must provide it with that information.
- 2.11 The inclusion of information about a taxi or private hire driver on the register does not automatically mean that the licensing authority will refuse their application. Licensing authorities are legally required to consider each taxi and PHV driver licence application on its own merits, and cannot refuse an application simply because an applicant is recorded on the NR3S Register.
- 2.12 The purpose of the Register is to ensure that authorities have the full information necessary to help them reach a decision on whether an individual is 'fit and proper' to have a licence. For instance, if circumstances have materially changed since the decision that has been recorded on the Register, it may be appropriate for another authority to award the same individual a licence.

- 2.13 Members of the public are not permitted to consult the register.
- 2.14 Drivers can however, under the data protection legislation, make a “subject access request” to NAFN or to any authority that they think may have put information about them on the Register, asking to see the information that is held on it.
- 2.15 As part of the registration process, each licensing authority is required to nominate a relevant officer who will be designated as the NR3S Single Point of Contact (SPoC). For Bracknell Forest the SPoC will be the Licensing Manager (Principal Officer – Licensing).
- 2.16 NAFN, and each Signatory Authority, are Joint Controllers in relation to the Personal Data that the Signatory Authority records in the Database; and TMBC as Host Authority is the Processor in respect of the Personal Data in the Database.
- 2.17 NAFN and each Signatory Authority are Joint Controllers of the Database as imposed on them by the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 (TPHVA) read in conjunction with section 6(2) of the Data Protection Act 2018 (“DPA 2018”).

3. Process that will be used:

When an application for a new drivers’ licence, or renewal of an existing drivers’ licence is received

- 3.1 When an application for a new drivers’ licence, or renewal of an existing drivers’ licence is received, the Licensing Team are now required to search the NR3S. Officers will be trained to use the NR3S and they will be required to act in accordance with the legislation, guidance and Joint Controller Agreement signed by the Single Point of Contact. The authority will retain a clear written record of every search that is made of the register. This will detail:
 - 1) the date of the search;
 - 2) the name or names searched;
 - 3) the reason for the search (new application or renewal);
 - 4) the results of the search;
 - 5) the use made of the results of the search (this information will be entered to the register at a later date).
- 3.2 This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 11 years.
- 3.3 If details are found that appear to relate to the applicant, a written request will be made to the authority that entered that information for further details.
- 3.4 Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. The Council will take the information into account when determining the application for the grant or renewal of a taxi drivers’ licence. This will be in accordance with the usual process for determining applications.
- 3.5 Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of time processing

that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

Where an application for a licence is refused, or an existing licence is suspended or revoked, the Council must record this decision on NR3S.

- 3.6 The licensing authority must add the following information about the person whose licence it has refused, suspended or revoked:
- 1) the person's full name, date of birth, home address and national insurance number;
 - 2) 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;
 - 3) if the person holds a Northern Ireland driving licence, the driver number shown on the licence;
 - 4) if the person holds a Community licence, the number of the licence;
 - 5) the name of the licensing authority and details of how further information about the decision can be obtained from the authority;
 - 6) the date on which the decision was made and (if different) the date on which it takes effect;
 - 7) the date on which any subsequent change to the decision was made and (if different) the date on which it takes effect;
 - 8) if the decision is to suspend the person's driver's licence for a period, the date on which the suspension is to end;
 - 9) any other information that the Secretary of State prescribes by regulations.

Appeals by Individuals who object to their information being added to the register

- 3.7 Where an appeal to the Magistrates' Court is made by an individual who objects to their information being added to the NR3S register, the appeal needs to be made within 28 days of receiving notification of the council's intention to add details to NR3S register.
- 3.8 The data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the Magistrates' Court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the Magistrates' Court. If an appeal is made to the Crown Court, the data will be retained longer than 35 days until that appeal is determined or abandoned.
- 3.9 Where the appeal is determined by the Magistrates' Court or the Crown Court, it is possible to appeal the decision by way of case stated. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

- 3.10 The data will be held securely in accordance with the Council's general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed.

When a request for further information is received from another authority

- 3.11 The 2022 Act says that the person running the Register must make sure that the information in the Register is disclosed only for:
- 1) the safeguarding of passengers; and
 - 2) road safety.
- 3.12 When the council receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 11 years.
- 3.13 The council will then determine how to respond to the request. The council will not simply provide information as an automatic response to every request. Any disclosure must be considered and proportionate, taking into account the data subject's rights and the position and responsibilities of a taxi driver. Each application will be considered on its own merits.
- 3.14 The council will also conduct a Data Protection Impact Assessment. This will consider how the requesting authority will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the requesting authority has adopted a procedure similar to this, that should be a reasonably straightforward process.
- 3.15 Where the reason for refusal to grant, suspension or revocation relates to a conviction which is within the timescales determined in the [Council's Convictions Policy](#) the information will be disclosed. Where the reason for refusal to grant, suspension or revocation relates to a conviction which is outside the timescales determined in the Convictions Policy, the information will not usually be disclosed. However, in every case, consideration will be given to the full circumstances of the decision, and there may be occasions where information is provided other than in accordance with this procedure.
- 3.16 Any information about convictions will be shared in accordance with schedule 1, part 2, paragraphs 11 and 12 of the Data Protection Act (DPA) 2018; that is:
- i) Protecting the public against dishonesty etc.
 - (1) This condition is met if the processing—
 - (a) is necessary for the exercise of a protective function,
 - (b) must be carried out without the consent of the data subject so as not to prejudice the exercise of that function, and
 - (c) is necessary for reasons of substantial public interest.
 - (2) In this paragraph, "protective function" means a function which is intended to protect members of the public against—

- (a) dishonesty, malpractice or other seriously improper conduct,
 - (b) unfitness or incompetence,
 - (c) mismanagement in the administration of a body or association, or
 - (d) failures in services provided by a body or association.
 - ii) Regulatory requirements relating to unlawful acts and dishonesty etc.
 - (1) This condition is met if—
 - (a) the processing is necessary for the purposes of complying with, or assisting other persons to comply with, a regulatory requirement which involves a person taking steps to establish whether another person has—
 - (i) committed an unlawful act, or
 - (ii) been involved in dishonesty, malpractice or other seriously improper conduct,
 - (b) in the circumstances, the controller cannot reasonably be expected to obtain the consent of the data subject to the processing, and
 - (c) the processing is necessary for reasons of substantial public interest.
 - (2) In this paragraph “act” includes a failure to act; “regulatory requirement” means—
 - (a) a requirement imposed by legislation or by a person in exercise of a function conferred by legislation, or
 - (b) a requirement forming part of generally accepted principles of good practice relating to a type of body or an activity.
- 3.17 The officer will record what action was taken and why. A written record of every decision that is made, as a result of a request from another authority will be retained and will detail:
- 1) the date the request was received;
 - 2) how the data protection impact assessment was conducted and its conclusions;
 - 3) the name or names searched;
 - 4) whether any information was provided;
 - 5) if information was provided, why it was provided (and details of any further advice obtained before the decision was made);
 - 6) if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made);
 - 7) how and when the decision (and any information) was communicated to the requesting authority.
- 3.18 This record will not be combined with any other records and will be retained for the retention period of 11 years.

4 Equalities Impact Assessment

- 4.1 The Council is required to act in accordance with the Act and the [Guidance for Users of the National Register of Taxi Licence Refusals, Revocations, and Suspensions \(NR3S\)](#)

5 Strategic Risk Management Issues

- 5.1 The Act contains provisions that require licensing authorities to record information relating to drivers' licensing histories (refusals, revocations or suspensions) on a National Register. Before the licensing authority can decide whether to grant or renew a driver licence, it must search the Register for any entry relating to the applicant.
- 5.2 Failure to do so could put customers at risk and the Council would be in breach of its statutory duties.

Background Papers

None

Contact for further information

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