

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO LICENSING & PUBLIC PROTECTION COMMITTEE**

30 January 2025

Report Title: Taxi Licensing Policy – Suitability Guidelines

Submitted by: Licensing Administration Team Manager

Portfolios: Finance, Town Centres & Growth

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To notify Members of the updated Suitability Guidance for taxi and private hire licensing document published by the Institute of Licensing and a request to consult on adopting the guidance.			
<u>Recommendation</u>			
That Committee:			
<ol style="list-style-type: none"> 1. Note the contents of the report; and 2. Approve that officers may consult with relevant stakeholders on replacing the current Taxi Licensing Policy Suitability Guidance with Chapter 4 of the updated version. 			
<u>Reasons</u>			
The original Suitability Guidance was published by the Institute of Licensing in April 2018 and subsequently incorporated into the Council's taxi licensing policy in November 2019. In 2020 the Department for Transport incorporated sections of the guidance into their Statutory Standards. In November 2024 the Institute, following widespread consultation, published an updated version to the guidance.			

1. Background

- 1.1 In April 2018 the Institute of Licensing (IoL) published the first edition of the “*Suitability Guidance: Guidance on determining the suitability of applicants and licensees in the taxi and private hire industry*” document (Suitability Guidance) that was produced in partnership with the Local Government Association (LGA), National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government (LLG).
- 1.2 The suitability guidance was intended to assist local licensing authorities in determining the suitability of applicants and licence holders for taxi and

private hire licensing, and the desire was that it would be adopted across the UK to promote consistency in decision making.

- 1.3 In November 2019 the Council adopted the Suitability Guidance and incorporated it into the new taxi licensing policy as 'Appendix J'.
- 1.4 In July 2020 the Department for Transport (DfT) issued their first ever Statutory Guidance for taxi licensing. At section 10 of the statutory guidance DfT incorporated the IoL Suitability Guidance with minor differences.
- 1.5 In 2022 the IoL created a working group to undertake a review of the suitability guidance and carried out an initial informal consultation in September of that year. 114 responses were received, including one from this Council. Between 10th July and 30th September 2024, the IoL held a formal consultation into updating the guidance. The Council's response was approved by this Committee at the meeting held on 17th September 2024.

2. Issues

- 2.1 On 13th November 2024 the IoL launched the updated version of the Suitability Guidelines. A copy is attached as **Appendix A**.
- 2.2 The suitability guidance is made up of four chapters:
 1. "*An Introduction*" – which introduces the guidance, the purpose of it, refers to the importance of the licensing regime in protecting public safety and the onus on licensing authorities to determine each case on its merits;
 2. "*Offenders, Offending, Re-offending and Risk of Harm - An Overview*" – which looks at behaviour patterns, trends and aims to assist licensing authorities when considering conviction and non-conviction information when coming to decisions;
 3. "*Taxi Licensing Overview*" – which provides an overview of relevant legislation and the framework used to protect the public; and
 4. "*Guidance on Determination*" – which provides the overriding principles on determination, lists the categories of offences and the suggested timeframes before an applicant/licence holder would normally be deemed suitable.
- 2.3 Following the most recent consultation the proposed suitability guidance has been amended in a number of areas:
- 2.4 Chapter 1 has had several new/amended paragraphs and a footnote added. They provide additional clarification as to the purpose and use of the guidance.
- 2.5 Chapter 2 has been extensively reviewed since the initial publication in April 2018, particularly around sexual offences, and maintains the original position that the licensing regime acts as a form of safeguarding and risk management of activities where individuals work with potentially vulnerable passengers. However there have not been any amendments, other than formatting, from the recent proposed version and the final document.

2.6 In Chapter 3:

- Section 3.11 has been reworded in relation to the appendices;
- Section 3.22 has been amended to include references to DBS certificates and NR3S searches being required during application processes;
- Section 3.26 has additional wording around the validity of DBS certificates;
- Section 3.27 relates to the time periods before requiring an overseas criminal record check. The time frame has been simplified in the published version; and
- Section 3.50 has had a sentence removed that referred to vehicle transfer applications.

2.7 In Chapter 4:

- Section 4.1 has had an additional sentence that clarifies the purpose of the guidance;
- Section 4.6 has had an additional sentence that clarifies those making decisions should be suitably trained;
- Section 4.13 has had an additional sentence that clarifies non-conviction information may still be taken into account;
- Section 4.33 has been inserted and reiterates that the additional sentence contained at section 4.13 relates to drivers;
- Section 4.34 has been inserted and confirms that a licence will not be granted to an individual who appears on a barred list;
- Categories of offences have been retitled for consistency purposes;
- The title of section 4.37 which relates to offences involving violence has been amended to provide clarity that violence includes against persons, property, animals or the State;
- Section 4.47 has been inserted and provides a consistent approach to alcohol and drug abuse, misuse or dependency;
- Section 4.48 (was 4.45) has additional wording to clarify what will be treated as 'discrimination';
- Section 4.49 has been inserted and creates a new category of 'Offences involving Regulatory non-compliance';
- Section 4.54 (was 4.50) has had additional wording added to confirm that the driver must have passed a driving assessment test before being considered fit and proper to hold a licence;
- Section 4.57 (was 4.53) has had an additional sentence that addresses driving disqualifications not for 'totting-up' will be investigated and determined based on the findings;
- Section 4.60 (was 4.56) has had a bullet point added and expanded to include extra elements that would constitute inappropriate behaviour';
- Section 4.62 (was 4.58) has been amended to confirm that if the behaviour is considered to be predatory then instead of a 10 year period before re-licensing, they will never be considered fit and proper;
- Section 4.63 (was 4.59) has additional wording to clarify the position on taxi offences not already covered by other sections;
- NEW Appendix 2 Added - Example decision notice and wording.

3. **Recommendation**

That Committee:

3.1 Note the contents of the report; and

3.2 Approve that officers may consult with relevant stakeholders on replacing the current Taxi Licensing Policy Suitability Guidance with Chapter 4 of the updated version.

4. **Reasons**

4.1 The suitability guidelines were originally released in April 2018, nearly 6 years ago. The updated document takes in account legislative changes and statutory guidance since that date and provides a well-used and thorough baseline for determining suitability within the taxi licensing regime.

4.2 The guidelines have again been approved by LGA, LLG, NALEO, NAFN and Welsh LGA.

5. **Options Considered**

5.1 To retain the previous Suitability Guidance, as per Appendix J in the taxi licensing policy, to determine fitness and propriety of those in the trade.

5.2 To remove the previous Suitability Guidance, as per Appendix J in the taxi licensing policy and deal with each and every case individually.

6. **Legal and Statutory Implications**

6.1 The guidance is not statutory and so it is for the Council to determine whether it should be introduced as part of the Council's decision-making tools.

6.2 Decisions made by the Council to refuse, revoke or suspend licences are open to appeal to the relevant court/s. Once a policy had been properly adopted by the Council the contents cannot be used to challenge a decision, so it is important that the Council have a policy fit for purpose.

7. **Equality Impact Assessment**

7.1 N/A

8. **Financial and Resource Implications**

8.1 None identified.

9. **Major Risks & Mitigation**

9.1 N/A

10. UN Sustainable Development Goals (UNSDG)

10.1



11. One Council

Please confirm that consideration has been given to the following programmes of work:

One Commercial Council

One Digital Council

One Green Council

This report does not impact upon any of the One Council Programmes.

12. Key Decision Information

12.1 N/A

13. Earlier Cabinet/Committee Resolutions

13.1 [Licensing & Public Protection 17th September 2024](#)

13.2 [Licensing & Public Protection 20th August 2019](#)

14. List of Appendices

14.1 Appendix A - Institute of Licensing Suitability Guidance November 2024

15. Background Papers

15.1 [Institute of Licensing Suitability Guidance November 2024](#)

15.2 [Institute of Licensing Suitability Guidance April 2018](#)