

Taxi and Private Hire Convictions Policy



Report to: Licensing Committee

Date: 17 June 2025

Lead Officer: Sasha Taylor, Assistant Director – Public Protection

Contributing Officers: Adam Sherwood, Premises and Taxi Licensing Manager
Julie Snooks, Senior Licensing Officer

Executive Summary

- A** The overriding aim for taxi and private hire licensing is the protection of the public. Licensing Authorities are tasked with the assessment of licensee and applicant suitability for the role of driver, vehicle proprietor and operator in the industry. To assist the authority with the 'fit and proper' test, a Convictions Policy should be held and implemented to ensure a consistent decision-making process. The Institute of Licensing provide a Guidance that may be used to form such policy.

Recommended that the Licensing Committee recommended to Full Council that:

- A** The Institute of Licensing (IoL) taxi and private hire suitability guidance (October 2024), (attached as Appendix A to the report) be adopted and replace the current Harlow Council Taxi and Private Hire Convictions Policy (April 2018) with immediate effect.

Reason for decision

- A** The licensing regime is key to the importance of protecting public safety, the licensing authority must be satisfied that licensees are 'fit and proper' persons to hold a licence.

Other Options

- A** A licensing authority should have a convictions policy to ensure consistent decision making. The IoL Suitability Guidance is available to all local authorities and helps create a unified national approach, however, licensing authorities can detract locally from the

guidance should they feel necessary. All suitability decisions are taken on a case-by-case basis, and the policy is always the starting point to that process.

Background

1. The overriding aim of any licensing authority when carrying out its functions in relation to the licensing of hackney carriage and private hire drivers, vehicles and private hire operators is the protection of the public.
2. The council must be satisfied that an applicant is a 'fit and proper' person before it may grant a licence and licensees must remain 'fit and proper' throughout the period of their licence.
3. All decision making shall have regard to Harlow Council's Taxi and Private Hire Convictions Policy.
4. Several checks are conducted on licensees; firstly, an Enhanced Disclosure and Barring Service (DBS) checks (fortnightly) to ensure drivers do not obtain any relevant convictions. In addition, any relevant matters must be reported by licensees to the licensing authority as by condition of their licence.
5. Other suitability checks conducted on licensees/applicants include DVLA driving licence checks and a check on the Taxi and Private Hire National Refusals, Revocations and Suspensions Register (NR3S).
6. The updated 2024 edition of the Suitability Guidance was reviewed and produced by the 'Suitability Working Group' consisting of Senior Licensing Solicitors, Licensing Managers and Professors. The Working Group consulted the views of Councillors, Licensing Officers, Lawyers, the Taxi and Private Hire Trades, Academics, the Probation Service, NAFN, National and Local Governments, interested Charities and the Police.
7. In determining safety and suitability, licensing authorities may consider the character and behaviour of an applicant or licensee. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual shall be considered.
8. All decision making is determined on the individual merits of the case.
9. Where there are relevant convictions or information available, cases are referred to the Regulatory Sub Committee in a quasi-judicial capacity to determine whether applicants and licensees are 'fit and proper' persons to be licensed.
10. Chapter 4 of the suitability guidance states the specified time periods that should elapse before a licence should be granted. Each case will always be considered on its individual merits, and the licensing authority can depart from the policy where it considers it

appropriate to do so. This will only happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision, with reasons provided.

11. Harlow's Taxi and Private Hire Convictions Policy is available on the council's website, allowing pre-assessment by prospective applicants of their likelihood of success, and may thus, reduce their cost and time making applications that are unlikely to succeed.

Issues/Proposals

12. In 2019, the Council approved the IoL Suitability Guidance document to operate as the Council's Convictions Policy for the taxi and private hire trade.
13. The suitability guidance has now been updated. It is proposed that the Licensing Committee recommend to Full Council adoption of this updated version as its new Taxi and Private Hire Convictions Policy.
14. The new IoL Suitability Guidance can be viewed in Appendix A.
15. Notable changes from the first version have been summarised by officers in Appendix B.
16. The new guidance expands on certain areas such as alcohol and drug abuse, and a new category which covers driver behaviours in far more detail.
17. There is also a notable change to attaining 7 or more penalty points for minor driving offences, paragraph 4.54 on page 39 of the Suitability Guidance has the recommendation for drivers to attend an awareness course and/or pass a driver assessment, with no more than 8 minor infringements. With adoption of the new Guidance, in such circumstances, a driving awareness course/assessment shall be implemented by officers before further consideration of a licensed drivers' suitability to hold a licence.
18. For reference, a link is provided in the background papers to the Council's current Convictions Policy.

Implications

Equalities and Diversity

An equality impact initial screening has been completed.

Climate Change

None specific.

Finance

None specific.

Author: Jacqui Van Mellaerts, Assistant Director – Finance and Section 151 Officer

Governance

The Council should have guidance in place that is easily understood and leads to consistent decisions being made that are less open to challenge. The updated Institute of Licensing national guidance will assist the Council to make decisions that are consistent. The guidance was developed by noted experts in this field and provides clear guidance to the Council and public on how convictions will be considered when deciding to regard whether an applicant or existing driver is a fit and proper person to be carrying out that role.

Author: Daniel Dickinson, Assistant Director – Legal and Democratic Services (Interim) and Monitoring Officer

Appendices

Appendix A – Suitability Guidance: Guidance on Determining the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Industry (Institute of Licensing) (2024)

Appendix B - Notable amendments/inclusions in the new Suitability Guidance 2024.

Background Papers

Current policy - [Harlow Council's current Convictions Policy \(namely, Guidance on Determining the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Industry \(IoL\) \(2018\)\)](#)

[Guidance on Determining the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Industry \(Institute of Licensing\) \(2024\)](#)

Glossary of terms/abbreviations used

Suitability Guidance – Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire industry (Institute of Licensing)

IoL – Institute of Licensing

NAFN – National Anti-Fraud Network (Hosts of the NR3S register)