

Notable amendments/inclusions in the new Suitability Guidance 2024.

Page number	Updated areas to the Guidance
4	<i>New paragraph -</i> Chapter 4: Guidance on Determination has been subject to much discussion and review. The overriding principle of listing categories of offending rather than listing specific offences has been maintained; This is essential as consideration is not confined to conviction information - non-conviction information is relevant and must be considered alongside convictions. In addition, a list of specific offences would be too narrow, and become superseded by new offences, or arguments that a particular offence was “different” from a listed one. Some Categories have been expanded. For example, “exploitation” now includes “criminal harassment”; offences involving violence” includes fear of violence and violence against property, animals and the State; and “sex and indecency offences” includes a reference to the “Sex Offenders’ Register” and “barred lists”. Additional categories have been included “alcohol misuse or dependency”, in addition to “drugs misuse” (which now includes “dependency”), and a further category of “discrimination”. There is also a section on behaviours which looks at non-criminal behaviour which would be a potential cause for concern. Motoring offences have been an area which has been subject to intense discussion. This was the main area of feedback on the original Guidance, in particular the reference to minor traffic or vehicle related offences and the reasoning behind them. Chapter 4 maintains the view set out in the original guidance, that the considerations under each category should be applied when considering applicants and licensees for driver, operator and vehicle proprietor licences.
31	<i>New paragraph -</i> 4.1 Guidance not binding on licensing authorities. They are all independent bodies, and it is for them to determine their own standards. The guidance is to encourage greater consistency in decision making where it concerns the suitability of applicants for taxi and private hire licences.
31	<i>Inserted -</i> 4.2 ...The “public” is not restricted to passengers. It encompasses everyone: passengers, other road users and, of course, drivers.
31	<i>Inserted -</i> 4.3 ... There is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk may reduce over time. In light of that, the suggested timescales are intended to reduce the risk to the public to an acceptable level.
34	<i>New paragraph -</i> 4.15 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute, police decide on no further action(NFA), bailed, released under investigation is continuing) can and will be taken into account by the licensing authority. In addition, complaints and or investigations where there were no police involvement will also be considered. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

• 35	<i>New paragraph -</i> 4.24 Although the direct impact on the public varies depending upon the type of licence applied for or held, to maintain public confidence in the integrity of the taxi and private hire licensing regimes, it is suggested that the same standards are applied to all licences, except motoring convictions in relation to a private hire operator.
• 35	<i>New paragraph -</i> 4.26 Where an applicant /licensee is convicted of an offence, or has evidence of unsuitable behaviour, which is not detailed in this guidance, the licensing authority will take that conviction and/or behaviour into account and use these guidelines as an indication of the approach that should be taken.
• 35	<i>New paragraph -</i> 4.28 It must always be borne in mind that these guidelines, are not fixed periods, and if there are truly exceptional circumstances the time period can be reduced in individual cases. Such instances should only be for truly exceptional circumstances and not frequent occurrences. The decision makers must consider each case on its own merits, taking into account all factors, including the need to protect the public, the circumstances and effect of the offence, and any mitigation that has been offered, However, the conviction itself cannot be reconsidered.
• 36	<i>New paragraph -</i> 4.34 A licence will not be granted to a person who is on any barred list
• 36	<i>New paragraph -</i> 4.33 The categories of behaviours are introduced as “offences” which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.
• 36/37 Offences involving Exploitation....	4.36 <i>new terms –</i> “criminal harassment” and “stalking without violence”
• 37 Offences involving violence....	4.37 <i>new heading -</i> Offences involving violence “against persons, property, animals or the State”
• 37 Offences involving violence...	4.38 <i>inserted -</i> “where the offence of violence was committed against a child or vulnerable adult a licence will never be granted”
• 38 Offences involving Alcohol....	4.44 <i>new category -</i> Offences involving Alcohol abuse, Misuse or Dependency 4.44 Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered.
• 38 Offences involving Drug abuse....	4.45 <i>new heading -</i> Offences involving Drug abuse, Misuse or Dependency 4.45 <i>inserted -</i> “the production, import, trade in” (supply of drugs)
• 38	<i>New paragraph -</i> 4.47 If there are indications that an applicant or licensee has, or has had a history of, a medical problem associated with possible abuse, misuse or

	dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.
• 38 Offences involving Discrimination	4.48 <i>inserted</i> - “including non-compliance with the Equality Act 2010”
• 38	<i>New category –</i> Offences involving Regulatory non-compliance 4.49 Regulatory crimes include local authority offences, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious consideration would need to be given as to whether they are a safe and suitable person to hold a licence.
• 39 Motoring Offences	4.51 <i>inserted</i> - “or failing to provide a specimen in relation to a driving matter. <i>And inserted</i> - With drug offences, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
• 39	<i>New paragraph</i> - 4.53 Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of conviction depending upon the offence as detailed in Penalty Point Endorsements GOV.UK . They may be removed from the licence after 4 or 11 years. That action does not negate the offence that led to the points being imposed. Penalty points (and the underlying offence) will be relevant and taken into consideration for 4 to 11 years from the date of the conviction, or the date of the offence depending on the type of offence.
• 39 Reconsidered for minor motoring offences	<i>New paragraph</i> - 4.54 By attaining 7 or more penalty points on their DVLA licence a driver is demonstrating they may not be fit and proper and the authority should assess their suitability. It is suggested part of the assessment is to undertake a driver awareness course and/or pass a driver assessment, with no more than 8 minor infringements, within 2 months of notice from the authority they are considering the suitability of the licence holder. Failure to do so strongly suggests the driver is not fit and proper and not be licensed until a period of 12 months has passed with no further convictions and has passed a driver assessment since the last conviction.
• 40	<i>New paragraph</i> - 4.56 Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the licensing authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of 5 years from the date the accumulation of 12 or more points.
• 40	<i>New paragraph</i> - 4.57 Any driver who has been disqualified as a result of “totting up”, which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date the disqualification. Other disqualifications will need to be

	investigated, the reasons ascertained, and a decision will be based on the results of that investigation.
40	<i>New paragraph -</i> 4.58 Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders should be reported to their licensing authority who may consider a period of suspension depending on the severity and frequency of the incidents reported.
40	<i>New category -</i> Behaviours 4.59 Drivers behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts. 4.60 Behaviours such as: • asking a passenger for their contact or social media details • asking personal or intimate questions • Inappropriate physical contact with passengers or invade their personal space • Inappropriate conversations, questions or behaviour. This is more important if the passenger is a line vulnerable individual. 4.61 Except in the most serious of cases, drivers should be given a warning in the first instance, if appropriate sent on refresher safeguarding training and explained how the behaviour may be perceived by a vulnerable passenger. 4.62 If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then any applicant should not be licensed. 4.63 Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating to taxi or private hire activity not covered elsewhere, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.