

General Purposes and Licensing Committee – 5 September 2025

Taxi Licensing Policy – Amendments to Appendix B

Purpose	For consideration of amendments to the taxi Licensing Policy At General Purposes and Licensing Committee on 5 September 2025.
Classification	Public
Executive Summary	This report presents proposed amendments to Appendix B – The Convictions Policy, following the revision of the Institute of Licencing’s Suitability Guidance
Recommendations	That General Purposes and Licensing Committee review the amendments to the Taxi Licensing Policy (Appendix B) following the publication of the revised Institute of Licencing’s Suitability Guidance and agree consultation on the proposed amendments.
Reasons for recommendation(s)	The Convictions Policy in Appendix B of the Taxi Licensing Policy is based on the Institute of Licencing’s Suitability Guidance. This has recently been updated and amendments are proposed to the Appendix B of the Taxi Licensing Policy to reflect the updates.
Ward(s)	All
Portfolio Holder(s)	Cllr Dan Poole
Strategic Director(s)	Richard Knott – Strategic Director of Housing & Communities
Officer Contact	Christa Ferguson Licensing Manager 023 8028 5352 christa.ferguson@nfdc.gov.uk Joanne McClay Service Manager – Environmental and Regulation 023 8028 5325 joanne.mcclay@nfdc.gov.uk

Introduction

1. The Taxi Licensing Policy 2025 was adopted by Full Council on 24 February 2025 following an extensive review with the trade, Officers, Councillors and the public.
2. The Policy refers to guidance including that produced by the Institute of Licensing (IoL), in order to promote consistency, raise standards and assist in the protection of the public.
3. The Institute of Licensing (IoL) Suitability Guidance was originally published in 2018 and has since been revised to include information on offenders and offending, update thresholds and considerations for some offences and placed an emphasis on risk-based decision making.
4. The Licensing Authority is seeking to incorporate this updated guidance within the Taxi Licensing Policy.

Background

5. The Local Government (Miscellaneous Provisions) Act 1976 provides that a Licensing Authority must satisfy themselves, before a licence is granted, that the applicant for a driver or operator licence is a fit and proper person.
6. The Council requires an enhanced criminal records check (DBS) as part of its fit and proper person test and the Taxi Licensing Policy includes a Convictions' Policy (in Appendix B) to guide applicants and decision makers in relation to interpreting information highlighted during the application process.
7. The Convictions' Policy is based on the Institute of Licensing *Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades*, originally published in 2018 and revised in 2024 (**Appendix 1**).
8. The guidance is referenced in the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards (2022) and both provide the basis for decision making on offences and convictions.
9. Whilst the IoL Guidance provides direction to Licensing Authorities in determining suitability of applicants, it does not remove the requirement for Licensing Authorities to adopt their own policies, which they should have regard to when making licensing determinations. As with any policy, each case must be determined on its own merits, having taken into account all the information available.

10. The Suitability Guidance was revised following extensive consultation with the taxi and private hire trade, national and local government councillors, lawyers, the Probation Service, the Police and interested charities. It has been endorsed by key bodies including Lawyers in Local Government (LLG), the National Association of Licensing and Enforcement Officers (NALEO) and the National Anti-Fraud Network (NAFN).
11. The guidance has successfully been cited in legal proceedings where adopted by local authorities and as a stand-alone reference.

Issues for consideration

12. The amended Convictions' Policy (**Appendix 2**) highlights the enhanced and new sections in red text. The key amendments include:

Section 5.0

Updated publication dates for the Suitability Guidance and Statutory Taxi and Private Hire Standards documents.

Section 5.2

Offences involving exploitation and criminal harassment includes 'stalking without violence'.

Section 5.3

Offences involving violence against persons, property or the State. Further information is included on 'fear of violence' and that a licence will never be granted where there has been an offence of violence committed against a child or vulnerable adult.

Section 5.4

Offences involving Public Order. This is a new section and states that a licence will not be granted for a period of 5 years following a public order offence.

Section 5.6

Offences involving Sex, indecency or obscene materials, which now includes 'sexual harassment'.

Section 5.9

Offences involving Alcohol Abuse, Misuse or Dependency. This is a new section which states that licences will not be granted until at least 5 years have elapsed from completing a sentence relating to drunkenness not in a motor vehicle and that medical testing or

assessments may be required prior to an application being considered.

Section 5.10

Offences involving Discrimination. This section has been enhanced to include non-compliance with the Equality Act 2010 and including refusal to carry assistance dogs or to provide mobility assistance.

Section 5.11

Offences involving Regulatory non-compliance. This is a new section to address regulatory crimes which demonstrate a lack of compliance with legal requirements and whether the applicant is a safe and suitable person to hold a licence.

Section 5.15

Other motoring offences. This includes time restrictions on granting of a licence where an offence resulted in injury to a person, damage to property or an insurance offence.

Section 8.0

Behaviours. This is a new section that addresses driver behaviours which fall short of criminal behaviour but would give potential serious cause for concern, particularly for drivers with lone passengers. Where there is a pattern of repeated predatory behaviours, the applicant should not be licensed.

Corporate plan priorities

13. **Theme:**

Empowering our residents to live healthy, connected and fulfilling lives. Future New Forest. Transforming tomorrow, together.

14. **Corporate Plan Objective:**

Protect and improve the health and wellbeing of our communities.
Being financially responsible.

15. **Service Objective:**

Implementation of the Environmental and Regulation Service Plans.

Consultation

16. A consultation process will take place with key stakeholders regarding the proposed amendments to Appendix B, following agreement by Members at this meeting.
17. Responses received will be reviewed and presented to Members at a General Purposes and Licensing Committee following the end of the consultation period, to agree any changes based on responses received.
18. The updated policy will be presented to Full Council for Members to agree adoption of the amended Appendix B.

Financial and resource implications

19. There will be no additional costs in adoption of changes to Appendix B.

Legal implications

20. Adoption of the guidance as a core reference document and amendments to the policy, aligns the Council's policy with national best practice and strengthens defensibility in appeals and judicial reviews.

Risk Assessment

21. A formal risk assessment is not required.

Equalities implications

22. Amendments to the policy ensure consistent and transparent decision-making to address discrimination.

Crime and disorder implications

23. Revision of the convictions policy enhances the Council's ability to protect the public from unsuitable drivers and operators.

Data protection / Information governance / ICT implications

24. There are no direct implications.

Conclusion

25. The purpose of this report to the General Purposes and Licensing Committee will be to seek agreement to consult with trade and the public on the proposed amendments to the Convictions Policy (Appendix B). There are no other proposed amendments to the Policy.

26. The proposed amendments, which adopt the IoL Suitability Guidance (2024) will strengthen the fit and proper considerations for drivers and applicants.

Appendices:

Appendix 1 – Institute of Licensing
Suitability Guidance 2024

Appendix 2– Revised Appendix B
highlighting updates

Background Papers: