

LICENSING SUB-COMMITTEE



Report subject	Consideration of continued suitability of Hackney Carriage Driver
Meeting date	7 May 2025
Status	Public Report with exempt appendices
Executive summary	<p>The Licensing Team have received information from Dorset Police in a witness statement which raised concerns about the conduct of a Licenced Hackney Carriage Driver who is also the proprietor of a Private Hire Vehicle. They consider that the information provided raises serious concerns in regard to the standard of behaviour expected of a licensed driver.</p> <p>In addition, the same named driver is linked to separate information submitted to the Licensing Team.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>The Licensing Sub-Committee determine whether the driver remains 'fit and proper to hold Hackney Carriage driver licence.</p> <p>The following options are available:-</p> <ul style="list-style-type: none"> a. Written Caution b. Suspension for a defined period c. Revocation d. Take alternative action e. Take no action <p>Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</p>
Reason for recommendations	<p>Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to suspend, revoke or refuse to renew a drivers Licence for any reasonable cause.</p> <p>Section 51(1) and 59(1) of the Local Government (Miscellaneous Provisions) Act 1976, provides that a district council shall not grant a licence – unless they are satisfied that the applicant is a fit and</p>

	<p>proper person to hold a driver's licence.</p> <p>The Council's Constitution sets out the responsibility of functions and of officers. The Licensing Committee has delegated decisions relating to public carriage licensing matters which fall outside of existing policies and disciplinary matters to Licensing Sub-Committee.</p>
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Portfolio Holder(s):	Councillor Kieron Wilson – Portfolio Holder for Housing and Regulatory Services
Corporate Director	Jillian Kay – Corporate Director for Wellbeing
Report Authors	Trudi Barlow – Licensing Officer Nananka Randle – Licensing and Trading Standards Manager
Wards	Council-wide
Classification	For Decision

Background

1. X has been a licenced driver with since 2017.
2. In addition, they also hold a Private Hire Vehicle Licence, the vehicle is currently registered with a local Private Hire Operator.
3. Full driver and vehicle details are detailed in Appendix 1.
4. On 20 March 2025 intelligence was shared by Dorset Police regarding X, this included a statement the driver had made to them regarding a separate ongoing investigation. This was shared with us as Dorset Police felt that the contents of the statement raised serious concerns that the behaviour which had fallen short of the standards expected of a licensed driver. See Appendix 2
5. The statement raises serious concerns about the conduct of the driver
6. All Licenced Drivers have to undertake Safeguarding training which is refreshed every three years when licences are renewed. X undertook the Blue Lamp Trust training in 2023, this course includes how to identify and report suspicious activity and to understand what is meant by Child Sexual and Criminal Exploitation.
7. In the statement X confirms that they gave out their phone number and took private bookings. On checking our records X does not have a Private Hire Operators Licence as required by the Local Government (Miscellaneous Provisions) Act 1976 Section 55 and consequently is in contravention of Section 46(d) of the same Act which states:-
46 Vehicle, drivers' and operators' licences.
(1) Except as authorised by this Part of this Act—.....
(d) no person shall in a controlled district operate any vehicle as a private hire vehicle without having a current licence under section 55 of this Act;
(2) If any person knowingly contravenes the provisions of this section, he shall be guilty of an offence.
8. At the end of the statement, reference is made to a dashcam.
9. Chapter 13 of BCP Council Hackney Carriage and Private Hire Vehicle Policy states the following:-

13.8 Unauthorised equipment for the recording and replay of video and audio is not permitted.

13.9 Dashcams can be installed with the agreement of the licensing team, which must be set up correctly for recording outside of the vehicle only

10. All CCTV and dashcam installed in licensed vehicles should be registered with the Information Commissioners Office (ICO) under General Data Protection Regulation (GDPR) which governs the protection of personal data.
11. On our annual vehicle renewal application form we ask if the vehicle is fitted with such system and provide a link to the ICO website which contains the necessary information and registration details.
12. There have been issues on vehicle licence renewal applications relating to declaration of CCTV/dashcam. See Appendix 1
13. Information was submitted to the Licensing team which falls short of expected behaviours by a BCP licence holders. See Appendix 1 and 3.
14. The Licensing Officer identified the driver involved which again calls into question their fitness to continue to hold a licence.
15. Attempts were made to contact X by phone however these were unsuccessful, an email was sent. To date no response has been received.

Test of Fit and Proper Person

16. Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a Licensing Authority may suspend or revoke the licence of a driver of a hackney carriage or a private hire vehicle for any reasonable cause.
17. 'Fit and proper person' is a phrase that occurs in legislation but there is no judicially approved definition or test of fitness. In the absence of such a test, the Licensing Sub-Committee must look at the whole of a person's character before determining their suitability to hold a licence.

The leading case to consider when determining whether a driver is 'fit and proper' is

• *McCool v Rushcliffe Borough Council* 1998

'one must, it seems to me, approach this question bearing in mind the objectives of the licensing regime which is plainly intended to ensure, so far as possible, that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers, with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers'

18. The Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades was published in 2018. This document reminds us that "The aim of local authority licensing of the taxi and PHV trades is to protect the public" and given the importance of this function reminds decision makers that any bar set when making determinations should be at the highest level.

Paragraph 1.2 states

The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and

Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.

Paragraph 1.4 states

'if a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so'

Paragraph 3.16 of the Guidance sets out the test widely used by Local Authorities

'Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'

The Guidance reminds us in Paragraph 3.28 that

case law makes it clear that the impact of losing a driver's licence on the applicant and his family is not a consideration to be taken into account. Leeds City Council v Hussain [2002] EWHC 1145 (Admin)

19. Members are also asked to consider the guidance within the Statutory Taxi and Private Hire Vehicle Standards issued by the Department for Transport which was updated in November in 2022– in particular paragraph 5.3 – 5.4 set out guidance for decision makers. At 5.4

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a fit and proper person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is no, the individual should not hold a licence.

Licensing authorities have to make difficult decisions but (subject to the general principles) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be given the benefit of doubt. If the committee or delegated officer is only 50/50 as to whether the applicant or licensee is fit and proper, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

20. Members should apply the requirements of the BCP Taxi and Private Hire Driver's Policy and this guidance when considering whether X is a fit and proper person and whether they should continue to hold a driver's licence.

Options Appraisal

21. Members are asked to consider all the information provided and then take one of the following options:
 - a. Written Caution
 - b. Suspension for a defined period

- c. Revocation
- d. Take alternative action
- e. Take no action

Summary of financial implications

22. There are no financial implications arising from this report.

Summary of legal implications

23. Anyone aggrieved by a decision has the right of appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

Summary of human resources implications

24. There are no human resources implications arising from this report.

Summary of sustainability impact

25. There are no sustainability implications arising from this report.

Summary of public health implications

26. There are no public health implications arising from this report.

Summary of equality implications

27. There are no equality implications arising from this report.

Summary of risk assessment

28. There are no risk assessment implications arising from this report.

Background papers

BCP Council's Hackney Carriage and Private Hire Driver Policy (2021-2025)

[Taxi-and-Private-Hire-Drivers-Policy](#)

BCP Council Hackney Carriage and Private Hire Vehicle Policy (2021-2025)

[BCP-Hackney-Carriage-and-Private-Hire-Vehicle-Policy](#)

Local Government (Miscellaneous Provisions) Act 1976 [Local Government \(Miscellaneous Provisions\) Act 1976](#)

Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades

[Publications - Institute of Licensing \(IoL\)](#)

Department of Transport Statutory taxi and Private Hire Vehicle Standards July 2020 updated in November 2022

[Statutory taxi and private hire vehicle standards - GOV.UK](#)

Appendices

Appendix 1 – Driver details and details of the issues being reported

Appendix 2 – Statement shared by Dorset Police

Appendix 3 – Information extract

Appendix 4 – Email sent to X by Licensing Officer