

# LICENSING SUB-COMMITTEE



Report subject	<b>Consideration of suitability for a new Hackney Carriage/ Private Hire Driver Applicant</b>
Meeting date	2 July 2025
Status	Public Report with Exempt Appendices
Executive summary	The Taxi Licensing Authority received a New Driver Application via our online facility. This applicant previously held a Public Carriage Licence with BCP Council, until June 2021 when this was revoked.
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p>The Licensing Sub-Committee determine whether the driver is a 'fit and proper' to hold Hackney Carriage and/or Private Hire driver licence.</p> <p>The following options are available: -</p> <ul style="list-style-type: none"> <li>a) If deemed fit and proper the application can continue</li> <li>b) If not deemed fit and proper the application will be refused.</li> </ul> <p>Members of the Licensing Sub-Committee are asked to decide 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 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 proper person to hold a driver's licence.</p> <p>The Council's Constitution sets out the responsibility of functions to the Licensing Committee and to officers. The Licensing Committee has further delegated decisions relating to public carriage licensing matters to Licensing Sub-Committee.</p> <p>Section 7.1 of the Hackney Carriage and Private Hire Driver Policy 2021 - 2025 states anyone wishing to make an application must prove to BCP Council that they are fit and proper to be issued with such a driver's licence.</p> <p>Section 7.10 states applications will be assessed with reference to the 'Fit and Proper' criteria as set out in Chapter 8. If you are</p>

	deemed not to meet the criteria your application will be rejected
Portfolio Holder(s):	Councillor Kieron Wilson – Portfolio Holder for Housing and Regulatory Services
Corporate Director	Graham Farrant – Chief Executive
Report Authors	Wesley Freeman- Licensing Officer
Wards	Council-wide
Classification	For Decision

## Background

1. The Licensing Team received an application for a New Public Carriage Driver's Licence via our online facility. Appendix 1
2. This applicant previously held a Public Carriage Licence with BCP Council. The licence was revoked with immediate effect on the 24 June 2021 in the interest of public safety.
3. Appendix 2 contains the report presented to the licensing sub-committee on the 24 June 2021.
4. The decision letter issued following the decision by the sub-committee dated 29 June 2021 is at Appendix 3.
5. The HM Courts & Tribunals Service advised the Council on the 2 August 2021 that the driver had appealed and forwarded the grounds of appeal. Appendix 4
6. The appeal was withdrawn in December 2021 by the driver. Appendix 5
7. We received information from Dorset Council in November 2021 that a private hire driver licence had been granted to this individual. Appendix 6.
8. The Dorset Council private hire driver licence was subsequently revoked with immediate effect for not declaring his BCP Council revocation. Appendix 7.
9. The driver was asked to make a statement to support his application and give reasons for the new driver application. This has been provided and attached as Appendix 8.

## Test of Fit and Proper Person

10. '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.
11. The BCP Council Hackney Carriage and Private Hire Driver Policy 2021-2025, Chapter 8 sets the Fit and Proper Person test and in particular at paragraphs

8.2 *Passengers are potentially vulnerable when being transported due to; their age, unaccompanied children, people with a disability, those who may have consumed excessive quantities of alcohol, lone people and overseas' visitors or tourists to the area.*

8.3 *The Licensing Authority has a duty to take a robust stance in ensuring that applicants and licence holders are and remain 'fit and proper' to hold a licence at all times.*

8.10 *In essence a 'fit and proper' person;*

- *should not be violent, abusive or threatening in their behaviour even if subjected to unpleasant, confrontational or dishonest passenger behaviour or when subject to enforcement action from officers.*
- *should be honest, trustworthy and have integrity, as they have access to a large amount of personal information that could be misused with significant opportunity to defraud passengers in drink or under the influence of drugs, the vulnerable or overseas passengers, or to steal property left in their vehicles.*

8.12 *The Licensing Authority will consider all information provided to it from sources such as the Police, Children and Adults Safeguarding Boards, Passenger Services and other statutory agencies. Existing licence holders will also have previous history/outcomes during their time as a licensed driver /operator or previous applicant taken into account and their ability to work constructively and positively with the Licensing Authority.*

8.13 *The Licensing Authority will consider all criminal history, unacceptable behaviour and conduct, irrespective of whether the specific history, behaviour or conduct occurred whilst drivers were directly engaged in Private Hire or Hackney Carriage work at the time or whether they occurred during the driver's own personal time*

12. 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. Paragraph 3 states:-

*The primary and overriding objective of licensing (the taxi and PHV trade) must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated.*

13. Chapter 5 sets out guidance for decision makers. Particularly paragraphs 5.4 to 5.6 state

*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.*

14. The Institute of Licensing Suitability Guidance published in November 2024 Chapter 3 states that taxi and private hire vehicles are used regularly particularly by vulnerable groups and a taxi or private hire driver has significant power over a passenger who places themselves and their personal safety completely in the drivers' hands.

The Guidance also reminds us in Paragraph 3.31 that: -

Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and their family is not a consideration that can be taken into account.

*Leeds City Council v Hussain [2002] EWHC 1145 (Admin), [2003] RTR 199 Admin Ct and Cherwell District Council v Anwar [2011] EWHC 2943 (Admin), [2012] RTR 15 Admin Ct.*

15. Members should apply the requirements of the BCP Taxi and Private Hire Driver's Policy and this guidance when considering whether this applicant is a fit and proper person to hold a public carriage driver's licence

### **Options Appraisal**

16. Members are asked to consider all the information provided and then take one of the following options:
- a) If deemed fit and proper the application can continue
  - b) If not deemed fit and proper the application will be refused

### **Summary of financial implications**

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

### **Summary of legal implications**

18. 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**

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

### **Summary of sustainability impact**

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

### **Summary of public health implications**

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

### **Summary of equality implications**

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

### **Summary of risk assessment**

23. 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 [Institute of Licensing](#)

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- New Driver Application

Appendix 2- June 2021 Sub-Committee Report

Appendix 3- June 2021 Sub-Committee decision

Appendix 4- August 2021 Appeal Intention

Appendix 5- December 2021 Appeal Withdrawn

Appendix 6- Dorset Council Information

Appendix 7- Dorset Council Driver Revocation

Appendix 8- New Driver Application Statement