

LICENSING SUB-COMMITTEE



Report subject	Consideration of continued suitability to hold a Private Hire Driver Licence
Meeting date	24 September 2025
Status	Public Report with Exempt Appendices
Executive summary	<p>The Licensing Team have received several complaints regarding the standard of driving by this licenced driver; the complaints indicate a clear pattern of behaviour which the driver has not addressed despite informal actions taken by officers in the form of guidance and support.</p> <p>As per our phased approach to enforcement, this matter is now being escalated to the licensing - committee to determine the ongoing suitability of this driver to continue to hold a licence</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>The Licensing Sub-Committee determine whether the driver remains a ‘fit and proper person to hold a Private Hire 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 decide at the end of the hearing after all relevant parties have been given the opportunity to speak which option is appropriate. 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 proper person to hold a driver’s licence.</p> <p>The Council’s Constitution sets out the responsibility of functions</p>

	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.
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Portfolio Holder(s):	Councillor Kieron Wilson – Portfolio Holder for Housing and Regulatory Services
Corporate Director	Glynn Barton – Chief Operations Officer
Report Authors	Michelle Fletcher - Licensing Officer
Wards	Council-wide
Classification	For Decision

Background

1. This individual has held a Private Hire Drivers Licence Since 2004
2. Current records date back to 2018 due to data retention rules.
3. the licensing authority have been forwarded ongoing complaints about the standard of driver's driving reported via the driver's Private Hire Operator see Appendix 1
4. The Licensing Team have undertaken various actions available to them to assist, provide information and engage with this driver. Despite this, further complaints regarding the standard of driving continue to be received. As such in the interest of public safety the matter is now referred to committee to determine if this driver remains a fit and proper person and suitable to hold a licence.

Test of Fit and Proper Person

5. '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.
6. The BCP Council Hackney Carriage and Private Hire Driver Policy 2021-2025, sets out in Chapter 8 the Fit and Proper Person test and in particular at paragraphs
 - 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 display safe and competent driving standards, as they are professional drivers and should be fully aware of all road traffic legislation, the safety of their passengers and the safety of their vehicles at all times.*
 - 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*

7. 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.

8. 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.

9. 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 remains 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 Crt and Cherwell District Council v Anwar [2011] EWHC 2943 (Admin), [2012] RTR 15 Admin Crt.

10. 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

11. 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

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

Summary of legal implications

13. 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

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

Summary of sustainability impact

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

Summary of public health implications

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

Summary of equality implications

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

Summary of risk assessment

18. 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 – Driver history and complaints

Appendix 2 – Written warning

Appendix 3 – Letter – driver competency assessment