

LICENSING SUB-COMMITTEE



Report subject	Consideration of the suitability of an individual to become a Hackney Carriage and/or Private Hire Driver after revocation.
Meeting date	21 January 2026
Status	Public Report with Exempt Appendices
Executive summary	The Taxi Licensing Authority received a New Driver Application. This applicant previously held a Public Carriage Licence with the legacy Bournemouth Borough Council, until July 2019 when this licence was revoked.
Recommendations	<p>It is RECOMMENDED that:</p> <ul style="list-style-type: none"> • The Licensing Sub-Committee determine whether the driver is a 'fit and proper' person to continue with the application process to become the holder of a Hackney Carriage and/or Private Hire driver licence. The following options are available: - • a) If deemed fit and proper the application can continue b) If not deemed fit and proper the application should be refused. <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>

Portfolio Holder(s):	Councillor Kieron Wilson – Portfolio Holder for Housing and Regulatory Services
Corporate Director	Laura Ambler – Corporate Director for Wellbeing
Report Authors	Michelle Fletcher
Wards	Council-wide
Classification	For Decision

Background

1. The Licensing Team received an application for a New Public Carriage Driver's Licence.
2. This applicant previously held a Hackney Carriage Driver Licence with the legacy Bournemouth Borough Council. This Licence was revoked in 2019. See Appendix 1 for driver background and complaint history.
3. An application for a new BCP Public Carriage licence was received on 24 September 2025. The applicant was asked to make a statement to support their application and give reasons for the new driver application. The application form and statement can be found attached as Appendix 3.
4. The applicant has also provided a statement and information provided to them from Dorset Police at Appendix 4.
5. The applicant has provided character statements to support his application these are in Appendix 5.

Test of Fit and Proper Person

6. '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.
7. The BCP Policy was updated in 2025 and came into force on 1 January 2026.
8. The BCP Council Hackney Carriage and Private Hire Driver Policy 2026-2031 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.*
9. Paragraph 8.12 of the policy sets out that 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.*

10. 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. Previous and existing licence holders will also have previous history/outcomes during their time as a licensed driver /operator or previous application considered, in addition to their ability to work constructively and positively with the Licensing Authority.

11. 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 and or whether such behaviour led to a conviction.

12. Reapplication, section 7.14 of our policy states that: -

Where an applicant has previously had a licence revoked by the Council the Authority will not, save in exceptional circumstances, consider any further application from the applicant for a period of three years from the date of the Authority's decision or, if that decision was appealed against and the appeal was dismissed, abandoned, or otherwise failed, from the date of the dismissal, abandonment or other failure of the appeal, whichever is the later.

This application has been made in accordance with the policy, and the Licensing Authority have not been made aware of any further concerns whilst the applicant has not been licensed.

13. 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.

14. 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.

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

17. 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

18. 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

There are no financial implications arising from this report.

Summary of legal implications

19. 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

Summary of human resources implications

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

Summary of sustainability impact

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

Summary of public health implications

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

Summary of equality implications

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

Summary of risk assessment

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

Background papers

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

<https://www.bcp council.gov.uk/documents/business/Taxi-and-Private-Hire-Drivers-Policy.pdf>

BCP Council Hackney Carriage and Private Hire Drivers Policy (2026-2031) [Taxi-and-Private-Hire-Drivers-Policy.pdf](https://www.bcp council.gov.uk/documents/business/Taxi-and-Private-Hire-Drivers-Policy.pdf)

Local Government (Miscellaneous Provisions) Act 1976

<https://www.legislation.gov.uk/ukpga/1976/57>

Department of Transport Statutory taxi and Private Hire Vehicle Standards July 2020

updated in November 2022 <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

Appendices

Appendix 1 – Driver and complaint history

Appendix 2 – Decision Notice 2019

Appendix 3 - 2025 New Application via online system.

Appendix 4 – Statement and letter from the Dorset Police provided by Applicant.

Appendix 5 – Third party character statements provided by Applicant.