

# LICENSING SUB-COMMITTEE



Report subject	<b>Consideration of the suitability to continue to hold the following licenses with BCP Council, Private Hire Driver / Operator and Vehicle Licence Holder.</b>
Meeting date	3 March 2026
Status	Public Report with Exempt Appendices
Executive summary	This individual currently holds three Licenses with BCP Council, Private Hire Driver, Vehicle and Operator. A recent driver complaint led to an investigation into alleged non-compliance issues with all three licences and this requires consideration into this individual ongoing fitness to hold such licences.
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>he Licensing Sub-Committee are asked to determine whether the individual remains a ‘fit and proper’ person to continue to hold a Private Hire driver, Operator and Vehicle Licence.</b></p> <p><b>The following options are available for each licence: -</b></p> <ul style="list-style-type: none"> <li>• <b>Issue a written Formal Caution</b></li> <li>• <b>Suspension for a defined period</b></li> <li>• <b>Revoke the licence</b></li> <li>• <b>Take alternative action</b></li> <li>• <b>Take no action, driver remains ‘fit and proper</b></li> </ul>
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 and of officers. The Licensing Committee has delegated decisions relating to public carriage licensing matters which fall outside of existing policies and other disciplinary matters to the Licensing Sub-committee.</p>

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

## Background

1. The Licensing Team received a complaint against a Private Hire Driver Licence Holder. Whilst this complaint was being investigated it highlighted previous complaints of a similar nature and breaches across all three Licenses held by the individual.
2. Summary of Licence records attached at Appendix 1
3. Details of complaints against driver attached at Appendix 2
4. Overview of Vehicle and operator records attached at Appendix 3
5. Statement provided by Licensing officer after chance meeting with driver in public Appendix 4.

## Test of Fit and Proper Person

1. 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.
2. 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.

3. Section 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.

4. 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.
5. 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
6. Reapplication our policy states in paragraph 7.14 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.”*

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 3.1 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. In particular paragraph 5.4 states.

*“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, states at paragraph 3.1 *“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.”*

10. 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.*

11. 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

#### **Private Hire Operator Conditions**

12. Appendix A of the Private Hire Operator Policy 2026 - 2031 states the following:

11.1 The Licensing Authority may attach such conditions to a licence as are considered necessary.

11.2 The standard conditions are available in Appendix A.

11.3 All operators must read and understand the licence conditions which will be available on the Council website. 1

11.4 Failure to comply with the conditions set out in this document may result in enforcement action (Section 14).

14. Section 12. How to use this policy

12.1 All BCP licensed operators should ensure that they are fully compliant with the policy and appendices

12.2 At first application and renewal licence holders will be provided with an up-to-date link to this policy and its appendices.

12.3 It is a requirement that all licence holders adhere to this policy and the conditions set out in it. In the event of enforcement action being necessary, it is not

deemed acceptable that a licenced operator uses the excuse they were not aware of the requirements of this policy.

## 15. Private Hire Operator Conditions of Licence

These conditions of licence are made pursuant to of the Local Government (Miscellaneous Provisions) Act 1976 and the Town and Police Clauses Act 1847.

All operators must comply with the requirements of The Equality Act 2010.

### 1. Record Keeping

1.1 The records required to be kept by the operator under s.56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 must be kept in a suitable book, the pages of which are numbered consecutively, a computer record or other durable recording format. The operator shall enter or cause to be entered therein before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:-

- a) The time and date of the booking
- b) The name of the hirer
- c) The time of the pick-up
- d) The point of pick-up
- e) The destination
- f) The licence number of the vehicle allocated for the booking
- g) The name of any individual who responded to the bookings (where applicable)
- h) The name of any individual that dispatched the vehicle (where applicable)
- i) Remarks (including details of any sub-contract).

1.2 When the Operator passes the hiring to another company the record shall include the name, address, and Council with which that Operator is licensed.

1.3 The operator shall keep copies of all vehicle and driver licences. All records kept by the operator shall be preserved for a period of not less than TWO years following the date of the last entry.

## Section 14 of the Private Hire Operator Policy 2026 – 2031 - Enforcement and sanctions

14.1 Any operator who does not comply with this policy, or any conditions contained in it, which leads to a breach of a condition, or any complaint received will be subject to investigation, the result of which may be brought before the Licensing Committee or Sub Committee.

14.2 The Licensing Committee or Sub Committee. can choose to revoke a licence or suspend a licence pending any necessary action by the operators such as attending training or improving systems and record keeping as required.

14.3 Decisions by the Licensing Committee or Sub Committee. are subject to appeal to the Magistrates court within a statutory appeal period of 21 days from the notification of any committee hearing decision.

### **Private Hire Vehicle Livery requirements**

16. Appendix B of The Hackney Carriage and Private Hire Vehicle Policy 2026-2031 states:

#### **PRIVATE HIRE PLATE AND LIVERY REQUIREMENTS**

1 Livery requirement All Private Hire Vehicles shall have permanently affixed in the prescribed positions the following signage -

- Door livery – including No booking, No ride and PH licence number
- Large ‘No booking No ride’ stickers on both rear passenger doors as near to the door handle as is possible either to the side or directly underneath. (they are clearly visible to the customer when entering the vehicle).
- Small ‘No booking, No ride’ sticker on front passenger door as above.
- If the vehicle wishes to use the bus lanes in the BCP Council area a ‘Chequered flag’ sticker should be affixed to the offside, front of the bonnet.

### **Options Appraisal**

17. Members are asked to consider all the information provided and then take one of the following options:
- Issue a written Formal Caution
  - Suspension for a defined period
  - Revoke the licence
  - Take alternative action
  - Take no action, driver remains ‘fit and proper

### **Summary of financial implications**

18. 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**

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)

<https://www.bcpCouncil.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](#)

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 – Brief overview of driver, vehicle and operator records

Appendix 2 – Complaints against driver overview

Appendix 2a – Driver Statement from 2024

Appendix 2b – Written warning issued by BCP Council 2024

Appendix 2c – 2025 Complainants statements

Appendix 3 – Private Hire vehicle & Operator records overview

Appendix 3a – BCP failure to declare points letter issued 2025

Appendix 4 – Statement from Licensing Officer WWF.