

**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL**  
**LICENSING SUB-COMMITTEE**

Minutes of the Meeting held on 18 February 2026 at 10.15 am

Present:-

Cllr A Keddie – Chair

Present: Cllr A Filer, Cllr M Howell

Also in attendance: Cllr G Farquhar (in an observational capacity)

136. Election of Chair

**RESOLVED that Cllr A Keddie be elected Chair of the Sub-Committee for the duration of the meeting.**

Voting: Unanimous

137. Apologies

Apologies were received from Cllr C Matthews and Cllr J Richardson. Cllr A Filer as second reserve member became the third sub committee member.

138. Declarations of Interests

There were none.

139. Protocol for Public Speaking at Licensing Hearings

The protocol was noted.

140. Exclusion of Press and Public

**RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.**

141. Consideration of continued suitability to hold a Hackney Carriage and Private Hire Drivers Licence

This item was restricted by virtue of paragraphs 1, 2 and 7 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual), 2 (information which is likely to reveal the identity of an individual) and 7 (information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime).

Attendance:

From BCP Council:

Trudi Barlow – Licensing Officer

Nananka Randle – Licensing and Trading Standards Manager

Andy McDiarmid - Legal Advisor

Jill Holyoake - Clerk to the Sub Committee

The Driver was not present, having already indicated that they would not be attending the hearing and having been advised that the hearing would proceed in their absence.

The Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all parties present.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book. The Licensing Team had received information in relation to a licensed driver that raised concerns on their suitability to remain a licensed driver. The Sub Committee was asked to consider whether the driver remained a 'fit and proper' person to hold a hackney carriage and private hire driver licence.

In the driver's absence, the Sub Committee considered the case using the written information presented in the report. Appendix 3 of the report contained a written statement from the driver to members of the Sub Committee which the driver had requested be included in the papers for the hearing.

The Sub Committee also asked various questions of the officers present and was grateful for the responses received.

The Licensing Officer was invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised of the right of appeal.

**RESOLVED that the driver is no longer deemed to be a 'fit and proper' person to hold a hackney carriage and private hire driver licence and that under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 their licence be revoked with immediate effect in the interests of public safety.**

Reasons for Decision:

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the

Licensing Officer's report for Agenda Item 6. This included a written submission from the driver to the Sub Committee, circulated at appendix 3 of the report. In their submission the driver had confirmed they would not be attending the hearing and had asked for their written statement to be included in the Sub Committee's papers and taken into consideration before any decision was made.

The Sub Committee also considered the verbal submissions made at the hearing by the Licensing and Trading Standards Manager and the Licensing Officer and their responses to questions.

In considering the test of a 'fit and proper person', the Sub Committee had regard to the BCP Council Hackney Carriage and Private Hire Driver Policy 2026 – 2031, the provisions of the Local Government (Miscellaneous Provisions) Act 1976, the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades (2018) and the guidance within the Department of Transport Statutory Taxi and Private Hire Vehicle Standards (updated November 2022).

In particular, the Sub Committee had regard to the following points:

The driver was arrested by Dorset Police at a Bournemouth taxi rank on suspicion of committing the offence of rape, which the driver confirmed, related to a customer of theirs. Following this arrest the driver failed to comply with Condition 7 of Appendix A to their Private Hire/Hackney Carriage Driver Licence which states that "The licence holder must notify the Council in writing within 5 working days (or 3 working days in the case of arrest) providing full details of any conviction, binding over, caution, warning, reprimand, or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence."

Subsequently the Licensing Office was alerted by its DBS check provider to a change in status in the driver's certificate. The Licensing Office contacted the driver and asked them to apply for a new DBS and explain why the check had failed. Only at that point did the driver disclose their arrest. They completed a very brief witness statement denying the allegation and provided a copy of a letter from Dorset Police advising that "*no further action was to be taken at this time due to insufficient evidence to provide a realistic prospect of conviction, however, the case would be kept under review since further evidence may become available in the future, and as a result a decision to charge may be made*".

Subsequently Dorset Police notified the driver by postal requisition that they were being charged with '*Solicit another for the purpose of obtaining their sexual services as a prostitute in a street/public place*' in relation to the incident. Again, the driver failed to advise the Licensing Office of this new charge in accordance with the requirements of Condition 7 of Appendix A to their licence. Following confirmation of the driver's right to work status, the Licensing Office advised the driver to apply for a new DBS

and invited them to sign an interim declaration. The driver contacted the Licensing Office and only at that point did they advise of their pending prosecution which they stated was under Section 51A of the Sexual Offences Act 2003 for kerb crawling. The driver categorically denies the allegation. The original and rescheduled court case dates were noted.

While acknowledging that the driver had initially been unable to apply for a new DBS due to right to work issues not being resolved at the time, the Sub Committee noted that to date the driver has still not applied for an enhanced DBS which is a requirement of BCP Council's Taxi and Private hire Driver Policy.

The original sub committee hearing was deferred at the driver's request due to personal circumstances and a new hearing arranged. The driver contacted the Licensing Office to confirm that they would not be attending the hearing. In the driver's regrettable absence the Sub Committee gave careful consideration to the written statement addressed to them in which the driver reiterated their denial of the allegations and the impact the situation was having on them personally. In their view they had been fully compliant and co-operative and they explained that they had not been working as a taxi driver in recent months, did not intend to return to the trade and had voluntarily surrendered their licence.

Based on all the information provided, the Sub Committee concluded that the driver was no longer a fit and proper person to hold a hackney carriage and private hire driver licence. The Sub Committee was concerned that the driver had failed to comply with condition 7 of Appendix A to the driver licence on two separate occasions, in relation to allegations into serious offences of a sexual nature, and that in both cases this had only come to light some months later as a result of contact initiated by the Licensing Office. The Sub Committee was also concerned that the driver was in breach of the Council's driver policy in failing to apply for a new DBS once they were able to and in response to a request from the Licensing Office.

In determining whether to revoke the licence of the driver with immediate effect in the interests of public safety, the Sub Committee was mindful that the safeguarding of the public and protection of the vulnerable was paramount and that its decision should be made on the balance of probability which was a lower threshold than for a criminal conviction. The Sub Committee was concerned about the serious nature of the allegations made against the driver, that those allegations concerned a customer of the driver, the fact that 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 Sub Committee had regard to the Department of Transport's guidance for decision makers which posed the 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?” The Sub Committee concluded that on the balance of probabilities, the answer to that question was no.

Anyone aggrieved by this 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.

The meeting ended at 10.51 am

CHAIR

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