

LICENSING SUB-COMMITTEE



Report subject	Surrendering of Private Hire Driver Licence
Meeting date	15 April 2026
Status	Public report with exempt appendices
Executive summary	<p>The individual held three licences issued by BCP Council up until 28th January 2026, a Private Hire Driver Licence, a Private Hire Vehicle Licence, and a Private Hire Operator Licence in partnership with his brother.</p> <p>Recently, this individual sought to voluntarily surrender all three licences. BCP Council has accepted the surrendering of the vehicle licence and the instruction that the operator is no longer in business and closed each of these records.</p> <p>The drivers Licence has been surrendered by the driver however not accepted by BCP Council to date as it is considered that this attempted surrender may have been motivated by a desire to avoid or disrupt ongoing or potential investigations into recent licence breaches. If the surrendering of the licence had been accepted, this would have prevented BCP Council from concluding their inquiries and taking any appropriate formal regulatory action such as adding the driver to the National Register of Refusals and Revocations.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>the Licensing Sub-Committee are asked to determine whether the individual remains a 'fit and proper' person to hold a Private Hire Drivers Licence. The following options are available in respect of the driver's licence:</p> <ul style="list-style-type: none"> - Revoke the licence - Take no action and allow driver to surrender drivers licence
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 driver's licence for any reasonable cause.</p> <p>The Council's Constitution sets out the responsibility of functions of</p>

	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.
--	--

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. In January 2026 the Taxi Licensing Authority were approached by Dorset Police asking if this licensed driver had made any disclosures to them, as per the conditions of their licence, since 29th December 2025.

2. On reviewing the individuals record, it was clear no disclosures had been made to the Taxi Licensing Authority and Dorset Police were advised accordingly. All correspondence between Dorset Police and the Taxi Licensing Authority is attached in date order under Appendix A.

3. Dorset Police then provided the Licensing Authority with the following information:

The below information is being shared in the interest of your organisation fulfilling its responsibilities as a public body in respect of public protection. The information is shared solely for the purpose of conducting an assessment of the subject as a 'fit and proper' person to hold a hackney carriage/private hire licence. It is shared on the understanding that the subject has failed to notify you as per the obligations of their hackney carriage/private hire licence. The information is to be used for this purpose only, and it is not to be shared outside of your organisation. The assessment remains a matter for your organisation, and no inference is made by the sharing of this information as to the subject's fitness to hold a hackney carriage/private hire licence. 'Driver information redacted for report purposes' was arrested by Dorset Police for the offence(s) of:

- *Drive a motor vehicle when alcohol level above limit*
- *There was a one hour and twenty-minute delay between their arrest and providing an evidential breath test in custody, at which point they provided a lower specimen of 32ug/100ml of breath. Due to this no further action has been taken in relation to this matter.*

4. Further correspondence was then sent to Dorset Police by the Licensing Authority to ensure the information received had been understood correctly and clarification as to time date and vehicle being used at the time of the arrest.
5. Confirmation was received by Dorset Police that the driver was driving their licensed vehicle at the time of the arrest.
6. A letter was then sent to the drivers and vehicles operator requesting information. All correspondence between the operator and the Taxi Licensing Authority is attached in date order as Appendix B.
7. The Taxi Licensing Authority received the response from the operator, stating the driver and vehicle did not have any bookings via the operator licence on the date the offence occurred as requested by the Licensing Authority.
8. A letter was then sent to the driver outlining the breaches / non-compliance and requested the driver, to provide a written account of the events, including: The circumstances leading up to the arrest; and their reasons for failing to comply with the licence conditions outlined above. All correspondence between the driver and Taxi Licensing Authority is attached in date order as Appendix C.
9. The Taxi Licensing Authority received notice from the operator stating, in light of recent events, their business has now ceased trading as they were only supporting the one vehicle and driver.
10. A very brief response was received by the driver stating their operator was no longer willing to work with them due to the arrest, they are therefore resigning as a BCP private hire driver with immediate effect and will send us their private hire badge and BCP plate via registered mail back to the licensing authority.
11. To confirm, the driver has not provided a written account of the events, including: The circumstances leading up to the arrest; and their reasons for failing to comply with the licence conditions outlined above.
12. A letter was sent to both driver and operator by the Taxi Licensing Authority advising about closing records and surrendering Licenses.
13. Surrendering a licence can be considered as an attempt to avoid or disrupt ongoing or potential investigations into recent licence breaches. Such an action, if accepted, would have prevented BCP Council from concluding its enquiries and taking any appropriate formal regulatory which would include the driver details being added to the National Register of Refusals and Revocations, ensuring other potential licensing authorities are aware of this incident as it would not show on an enhanced DBS Certificate as there was no criminal conviction. Keeping the register updated with such valuable information allows any Licensing Authority to access relevant information when making decisions regarding driver's suitability at point of application.
14. The Digital Mail Room notified the Licensing Authority that the vehicle plates / licence / operator licence and the driver's badge, and licence had all been returned to our offices.
15. Further correspondence was sent to the operator acknowledging receipt of the Operator Licence and confirmation that we had closed the record on our system.

16. Further correspondence was sent to both the driver and operator, confirming the Taxi Licensing Authority have received the vehicle plates, driver badge, and paper licenses. The Operators and Vehicle records have now been closed and are no longer licensed, and we will be in contact regarding the Driver's Licence once a hearing date has been established.
17. On 5 March 2026, the driver was formally notified of a hearing scheduled for 15 April 2026 to consider their case. To date, no response has been received to this notification, nor any confirmation of their intention to attend the hearing.
18. In the absence of engagement from the driver, the authority must now determine whether the circumstances warrant placing the individual on the National Register of Revocations and Refusals (NR3), or whether it would be appropriate to accept the surrender of the licence. Consideration must be given to the risk that, if allowed to surrender without referral to the NR3, the individual could subsequently apply to another licensing authority without declaring the relevant offence or conduct.
19. **Section 12 of the Hackney Carriage and Private Hire Drives Policy 2026 - 2031. Data handling and National Register of Hackney Carriage and Private Hire vehicle driver licence refusals and revocations database .**

12.1 This Council has subscribed to the National Register of Hackney Carriage and Private Hire Vehicle Driver Licence Revocations, Refusals or Suspensions, or NR3S Register

12.2 At the point of application, checks will be made on the National Anti-Fraud Network Database (NAFN), to ensure any history held regarding an applicant's previous refusals/revocations from other licensing authorities is available for consideration.

12.3 The Licensing Authority will upload data on refused/revoked licences into the NAFN database,

12.4 Any applicant who has held a licence issued by another Council and has had their licence revoked within three years of their application will be referred to the Licensing Committee who will consider the application on its own merits.

12.5 Information held by the Licensing Authority complies with requirements of the Data Protection Act 2018; however, there is a requirement for a 'Public Register' to be kept available for the free public inspection of all dual drivers' licences granted. To promote public safety this register will also detail information of any dual driver licences suspended or revoked.

12.6 Any information given may be shared with other internal/external organisations/partners to prevent crime and/or detect fraud, to promote public safety and safeguarding, or when a driver is suspected of having committed an offence, civil or criminal.

12.7 Under the Freedom of Information Act 2000 the Licensing Authority is required to provide certain information to the public by request. There are, however, exemptions to this duty, which includes certain personal or sensitive data, confidential information, and business/commercial information.

12.8 The Licensing Authority may lawfully disclose information to other public sector agencies and external partners to: - 1. 2. 3. 4. 5. Protect the safety of the public.

Prevent or detect fraud and any other crime. Support national fraud initiatives. Protect public funds. Progress a request for service.

12.9 Safeguard children and those adults at risk of harm in particular sharing information with the Children or Adults Safeguarding Board or officers of the Safeguarding Unit, other Licensing Authorities to protect the travelling public or with the Council's Legal Services Team or Transport Services Team, which may impact, on the delivery of its schools and adult services contracts.

12.10 The safeguarding and protection of the public will be the primary aim when deciding whether to share information with other services, organisations, or partners.

12.11 Relevant information which is held on record relating to the history of a licensed driver, vehicle owner or operator, is retained until the lapse, surrender, refusal, or revocation of a licence and then usually held for an additional period of 6 years before being destroyed. Each case will be considered on its own merits prior to its destruction in line with the 'Licensing Retention of Documents' policy.

12.12 In some cases, due to the serious nature of offences/allegations the information may be held indefinitely by the Authority. Historic data can remain relevant to the Licensing Authority to demonstrate a pattern of behaviour and characteristics by a licensed driver or applicant over several years or if the licence has been revoked by the Licensing Authority for a serious safeguarding or public safety matter.

12.13 In addition, information from the enhanced Disclosure and Barring Certificate checks are retained in accordance with the DBS Code of Practice. However, as drivers are now registered on the online DBS Update service there will be little need to retain this information in the future, other than noting any recordable offences for future reference.

Test of Fit and Proper Person

20. '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.

21. 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.

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 influences of drugs, the vulnerable or overseas passengers, or to steal property left in their vehicles.

22. 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.
23. 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
24. 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."
25. 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."
26. 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 227 reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction."*

27. 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.”*
28. 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.
29. 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 Driver Conditions – Taken from the 2026 – 2031 version

30. APPENDIX A of the Private Hire / Hackney Carriage Driver Conditions of Licence
These conditions of licence are made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847.
31. Section 7. CONVICTIONS, CAUTIONS, ARREST ETC. 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.
- The 5 days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays, or any other day on which the Licensing Office is closed.
- What should be reported: -
- Any conviction (criminal or driving matter).
 - Any caution (issued by the Police or any other agency).
 - Issue of any Magistrate’s Court summonses against you.
 - Issue of any fixed penalty notice for any matter.
 - Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar.
 - Arrest for any offence (whether or not charged). • Any acquittal following a criminal case heard by a court. Fixed Penalty Notices
- Arrest for any Offence Whether charged or not the driver must notify the Council within 3 working days of their arrest for an alleged offence(s).
32. Section 10 of the Private Hire / Hackney Carriage Driver Conditions of Licence
CHANGE OF ADDRESS AND EMAIL ADDRESS

a. The licence holder must notify the Council in writing/email within 5 working days * of any change of their address taking place during the period of the licence, whether permanent or temporary.

b. The licence holder must notify the Council in writing/email within 5 working days * of any change of their contact email address taking place during the period of the licence, whether permanent or temporary

* The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays, or any other day on which the Licensing Office is closed.

Options Appraisal

32. **The Licensing Sub-Committee are asked to determine whether the individual remains a 'fit and proper' person to hold a Private Hire Drivers Licence. The following options are available in respect of the driver's licence:: -**

- Revoke the licence
- Take no action and allow driver to surrender Drivers Licence

Summary of financial implications

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

Summary of legal implications

34. There are no legal implications arising from this report.

Summary of human resources implications

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

Summary of sustainability impact

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

Summary of public health implications

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

Summary of equality implications

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

Summary of risk assessment

39. 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 [Statutory taxi and private hire vehicle standards - GOV.UK](#)

Appendices

Appendix A Correspondence between Taxi Licensing Officer and Dorset Police

Appendix B Correspondence between Taxi Licensing Officer and Operator

Appendix C Correspondence between Taxi Licensing Officer and Driver