

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 15 April 2026 at 10.15 am

Present: Cllr A Chapmanlaw, Cllr A Keddie and Cllr P Sidaway

1. Election of Chair

RESOLVED that Councillor Alasdair Keddie be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

2. Apologies

Apologies received by Councillor Pankhurst and Howell.

3. Declarations of Interests

There were no declarations of interest.

4. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

5. 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 and 2 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.

6. Consideration of continued suitability to hold a Private Hire Driver Licence

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

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

Attendance:

From BCP Council:

Trudi Barlow – Licensing Officer

Michelle Fletcher – Licensing Officer

Linda Cole – Legal Advisor to the sub-committee

Christiane Tan - Clerk to the sub-committee

Michelle Cutler – Democratic Services support

The driver was in attendance unaccompanied. 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 currently 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 license.

The Sub-Committee asked various questions of the driver and 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 remains a 'fit and proper person' to hold a private hire driver's licence. However, the Sub-Committee, raised concerns regarding the driver's apparent lack of diligence and considered that he had not demonstrated a proper appreciation of the responsibilities associated with being a licensed driver.

Considering these concerns, the Sub-Committee determined that it was appropriate to issue a formal caution. The Sub-Committee was particularly disappointed that the driver was not fully aware of the requirements set out in the Hackney Carriage and Private Hire Driver Policy and that he admitted he had not read the revised policy issued to all drivers in January 2026.

The Sub-Committee expects the driver to read and fully understand the policy and to ensure that he is aware of, and complies with, all information and responsibilities that apply to him as a private hire driver. Specifically, section 11 (Medicals), which clearly states that failure to submit a completed medical certificate by the due date will result in the suspension of a driver's licence.

Reason for decision:

The Sub-Committee considered all the information submitted prior to the hearing, as contained in the Licensing Officer's report for Agenda Item 6, together with the verbal submissions made at the hearing by all parties, including the responses provided by the driver to questions from the Sub-Committee.

In considering whether the driver was a 'fit and proper person', the Sub-Committee had regard to the BCP Council Hackney Carriage and

Private Hire Driver Policy, the provisions of the Local Government (Miscellaneous Provisions) Act 1976, the Institute of Licensing (IOL) Guidance on determining the suitability of drivers and licensees in the hackney and private hire trades (2018), and the Department for Transport Statutory Taxi and Private Hire Vehicle Standards (updated November 2022).

The Sub-Committee considered the following points:

The driver was first licensed as a private hire driver in 2006, and there are no recorded complaints within the last six-year retention period.

His application for a private hire driver's licence with another Council was refused following disclosure of illegal cannabis use within a medical submitted in autumn–2025, which was notified to BCP Licensing in 2026. His BCP driver's licence was suspended in late 2025 due to failure to submit a valid medical certificate by his 65th birthday as required by policy. He was notified shortly after his 65th birthday by email that his licence was suspended until he submitted a satisfactory medical report.

The Operator confirmed that the driver had continued driving whilst suspended, but they were unaware that his licence had been suspended. The licensing officer clarified that the taxi operators were not notified of the cannabis use or that the driver's licence had been suspended. The Operator suspended the driver from their operation immediately they became aware. The driver claimed that he did not receive the emailed notification of his suspension and was not aware he had been suspended, as he would not have continued to drive. He advised the Sub-Committee he only later saw the email on his phone, but his phone allowed emails to be covered by advertisements, and it had remained unread.

The driver submitted his driver's medical examination which declared he was medically fit. A Licensing Officer contacted the GP to clarify why there was no mention of cannabis use included on the medical certificate previously submitted to another Council. The GP practice clarified that the driver had been a transient user of cannabis but had stopped using it.

The driver was asked why he had used cannabis and advised the Sub-Committee of his medical conditions. He explained he had picked up a GP as a passenger who had advised him of benefits of cannabis and this resulted in a brief experimentation. The driver stated that he no longer took cannabis and when asked he stated that he never driven within 12 hours of using cannabis.

The Licensing Officer brought the Sub-Committee's attention to an email from the driver acknowledging that his medical is overdue, sent immediately after notification from the other Council that his application had been refused. The driver admitted to knowing he was driving with an overdue medical but maintained he was unaware that his licence had been suspended.

The Sub-Committee was concerned that the driver admitted he was aware his medical was overdue and that he had not read the Hackney Carriage and Private Hire Driver Policy, including the revised policy issued for 2026–2031. Section 11.5 of that policy makes clear that an overdue medical results in suspension, such that the Sub-Committee considered he ought reasonably to have known he was not entitled to continue driving.

Having had his licence suspension lifted once his medical had been submitted and clarification received from the driver's GP regarding the cannabis use, the Sub-Committee had to determine whether he was still a fit and proper person despite the cannabis use and his non-compliance with the Hackney Carriage and Private Hire Driver Policy namely driving whilst suspended.

Having regard to the explanation given regarding cannabis use, the confirmation from the driver's GP that he was fit to drive, and the absence of recent complaints and applying the test set out at paragraph 3.16 of the Institute of Licensing 2018 Guidance, *'Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone.*

The Sub-Committee determined that it would be content for a person for whom they care to travel alone with the driver and determined that the driver remained a fit and proper person. However, it considered that his non-compliance with policy, including driving whilst suspended and his lack of engagement with policy requirements, warranted a formal caution, which will remain on his driver record.

The Sub-Committee emphasised that it expects full compliance with all licensing requirements and policies going forward expects the driver to read and understand the Hackney Carriage and Private Hire Driver Policy and to be aware of the responsibilities that apply to him as a private hire driver.

There is no right of appeal to this matter.

7. Private Hire Driver

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:
Michelle Fletcher – Licensing Officer

Trudi Barlow – Licensing Officer
Linda Cole – Legal Advisor
Christiane Tan – Clerk to the Sub Committee
Michelle Cutler – Democratic Services support

The driver was not present, having already been made aware 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 'B' to these Minutes in the Minute Book. It was presented to the sub-committee that the applicant 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. Recently, this individual sought to voluntarily surrender all three licences. BCP Council accepted the surrendering of the vehicle licence and the instruction that the operator is no longer in business and closed each of these records. The driver's licence was surrendered by the driver however it was not accepted by BCP Council to date as it was considered that this attempted surrender was 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.

In the driver's absence, the Sub-Committee considered the case based on the written information presented in the report. The Sub Committee 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 private hire driver licence and that the licence be revoked with immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 in the interests of public safety).

Reasons for Decision:

The Sub-Committee carefully considered all the written information which had been submitted before the hearing and contained in the Licensing Officer's report for Agenda Item 7.

The Sub-Committee also considered the verbal submissions made at the hearing by the Licensing Officer and the responses given to questions. The

driver did not attend the hearing. The Sub-Committee noted that he had been properly notified of the date and time of the hearing but had not responded or requested an adjournment.

In considering whether the driver remained 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 drivers and licensees in the hackney and private hire trades (2018), and the Department for Transport Statutory Taxi and Private Hire Vehicle Standards (updated November 2022).

The Sub-Committee considered the following points:

Dorset Police contacted the Taxi Licensing Authority to establish whether the driver had recently disclosed any matters to them. Following a review of licensing records, it was confirmed that no disclosures had been made by the driver. Dorset Police then informed the Authority that the driver had been arrested for driving whilst over the prescribed alcohol limit, and that he was driving a licensed private hire vehicle at the time of the arrest.

Enquiries were made with the licensed operator, who confirmed that neither the driver nor the vehicle had any bookings via the operator licence on the date of the incident. The operator, a small business supporting only one vehicle and this driver, advised that because of the incident the business had ceased trading and that both the operator and vehicle licences were being surrendered.

The driver was contacted by the Licensing Authority and invited to provide a written account of the circumstances surrounding his arrest and an explanation for his failure to notify the Authority, as required by his licence conditions. He did not provide a written response. Instead, he advised that his operator was no longer willing to work with him and that he was resigning as a BCP private hire driver with immediate effect, thereby seeking to surrender his licence.

The Sub-Committee noted that the driver's badge, vehicle plates, private hire driver's licence, and operator licence had been returned to the Council and that the vehicle and operator licences had been closed.

The Sub-Committee was advised that acceptance of a voluntary surrender would have prevented the Licensing Authority from recording the matter on the National Register of Refusals and Revocations (NR3), as entries can only be made following a refusal, suspension, or revocation. The Sub-Committee accepted that surrender can, in some circumstances, be used to avoid potential investigations or prevent such formal regulatory action being taken

The Sub-Committee noted that, in the absence of a criminal conviction, the arrest would not necessarily appear on an enhanced DBS certificate. Entry onto the NR3 register was therefore considered essential to ensure that

other licensing authorities are made aware of this incident and can take it into account when determining future applications.

The Sub-Committee concluded that the driver had failed to comply with the Council's licensing policy by not notifying the Licensing Authority of his arrest. The Sub-Committee was particularly concerned that the arrest related to driving whilst over the alcohol limit and that this occurred while he was driving a licensed private hire vehicle. The Sub-Committee determined that this conduct represented a serious risk to public safety, fell significantly below the expected standards of behaviour for licensed drivers, and was wholly incompatible with holding a private hire driver's licence.

Accordingly, the Sub-Committee determined that the driver was not a fit and proper person and that it was necessary and proportionate to revoke his private hire driver's licence with immediate effect, notwithstanding his offer to surrender it, and that his details be recorded on the NR3 register. Consideration was given to the risk that, without such action, the driver could seek to apply to another licensing authority without declaring the relevant conduct.

The driver has the right of appeal to the Magistrates' Court within 21 days beginning with the date on which he is notified in writing of this decision.

The meeting ended at 11.48 am

CHAIRMAN

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