

LICENSING SUB-COMMITTEE



Report subject	Consideration of suitability to remain a licenced driver
Meeting date	23 June 2026
Status	Public report with exempted appendices
Executive summary	Following information received via Dorset Police and the provision of a new Enhanced DBS the suitability of the licensed Hackney Carriage driver. The Driver is referred to determine if he remains fit and proper to continue to be a licence holder
Recommendations	<p>It is RECOMMENDED that:</p> <p>The Licensing Sub-Committee are asked to determine whether the driver remains a ‘fit and proper’ person to continue to hold a Hackney Carriage and Private Hire driver licence.</p> <ul style="list-style-type: none">a) The following options are available: -b) Issue written advisory guidancec) Issue a written Warningd) Issue a written Formal Cautione) Suspension for a defined periodf) Revoke the licenceg) Take alternative actionh) Take no action, driver remains ‘fit and proper’
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>BPC Council Constitution sets out the responsibility of functions and officers. The Licensing Committee has delegated decisions relating to Public Carriage Licensing matters which fall outside of existing policies and disciplinary matters to Licensing Sub-Committee.</p>

Portfolio Holder(s):	Councillor Kieron Wilson – Housing and Communities
Corporate Director	Laura Ambler - Corporate Director of Wellbeing
Report Authors	N Randle – Licensing and Trading Standards Manager C Wateridge Licensing Officer
Wards	Council-wide
Classification	For Decision

Background

1. This matter relates to an existing driver who holds a Hackney Carriage driver licence which was issued in 2012 by legacy Bournemouth Council.
2. Full driver information and details of information received, and officer actions can be found in Appendix 1.
3. A copy of the DBS will be handed to members at the time of the meeting.

Test of Fit and Proper Person

4. The BCP Council Hackney Carriage and Private Hire Drivers Policy 2026-2031 (The Policy) sets out the licensing authority's requirements for drivers. The purpose statement of the policy at paragraph 1.3 states that *In the interests of its residents and visitors, it will not tolerate any driver who poses a threat to the safety of any passenger or other road user.*
5. All licenced drivers are expected to uphold high standards of behaviour and remain 'fit and proper' throughout their licenced period. The Policy at paragraph 8.12 states that in essence a fit and proper person should *display safe and competent driving standards, as they are professional drivers and should be fully aware of all road traffic legislation, the safety of their passengers and the safety of their vehicles at all times.*
6. Paragraph 8.15 states 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 Hackney Carriage or Private Hire work at the time or whether they occurred during the driver's own personal time.
7. Paragraph 14 sets out driver conduct standards which include at point 5 that drivers should not engage in any activity that would undermine professional standards and public confidence in the service.
8. Appendix A of the Policy sets out driver conditions which includes at section 7 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.

9. Members are asked to consider today if the Driver met these conditions or standards of behaviour.
10. BCP Council Licensing Authority has adopted within our taxi policy the statutory standards for taxi and private hire vehicles [Statutory taxi and private hire vehicle standards - GOV.UK](#). This sets out decision making guidance in section 5.4 which asks members 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.

11. Members should apply the requirements of the BCP Taxi and Private Hire Driver's Policy and this guidance when considering whether the Driver is a fit and proper person and whether he should continue to hold a driver's licence.

Options Appraisal

12. Members must now consider the information provided in this report and verbally by officers and the driver today and take on of the following options
 - a) Issue written advisory guidance or
 - b) Issue a written warning or
 - c) Issue a written Formal Caution or
 - d) Suspension for a defined period or
 - e) Revoke the licence or
 - f) Take alternative action or
 - g) Take no action, driver remains 'fit and proper

Summary of financial implications

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

Summary of legal implications

14. 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

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

Summary of sustainability impact

16. There are no sustainability implications arising from this report

Summary of public health implications

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

Summary of equality implications

18. There are no equality implications arising from this report

Summary of risk assessment

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

Background papers

BCP Council's Hackney Carriage and Private Hire Driver Policy (2026-2031) [Taxi and private hire driver policy | BCP](#) [Taxi and private hire driver policy | BCP](#)

Local Government (Miscellaneous Provisions) Act 1976 [Local Government \(Miscellaneous Provisions\) Act 1976](#)

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 1 – Driver details and details of issues being reported

Appendix 2 – LADO referral

Appendix 3 – Force Disclosure request