

LICENSING SUB-COMMITTEE



Report subject	Consideration of the suitability of an individual to become a Hackney Carriage and/or Private Hire Driver
Meeting date	8 July 2026
Status	Public Report with exempt appendices
Executive summary	The Taxi Licensing Authority received a New Driver Application on the 24/03/2026 via the online facility. The applicant's Enhanced DBS Certificate disclosed three serious convictions all of which occurred whilst the applicant was licensed as a driver with Christchurch Borough Council. As a consequence of these matters Christchurch Borough Council revoked the applicant's driver's licence. The driver exercised the right of appeal; however, the Magistrates' Court dismissed the appeal and upheld the Council's decision. These convictions occurred over 10 years ago. However, as the offences are of a serious nature it is felt that this application needs to be brought before the Licensing Committee to consider if applicant is a 'fit and proper' person to hold a licence. Upon the applicant's application form he has declared these convictions as outlined on the Enhanced DBS Certificate. The applicant wishes to attend the hearing and has given a full statement in support of his application which is included in Appendix 3.
Recommendations	It is RECOMMENDED that: The Licensing Sub-Committee determine whether the driver is considered to be 'fit and proper' to hold Hackney Carriage and/or Private Hire driver licence. The following options are available: - a. If deemed fit and proper the application can continue b. If not deemed fit and proper the application will be refused. Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.

Reason for recommendations	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. Section 7.1 of the Hackney Carriage and Private Hire Driver Policy 2026 - 2031 states anyone wishing to make an application must prove to BCP Council that they are fit and proper to be issued with such a driver's licence. Sections 7.9 and 7.10 of the Policy states applications will be assessed with reference to the 'Fit and Proper' criteria as set out in Chapter 8. If you are deemed not to meet the criteria your application will be rejected

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

Background

1. The Licensing Team received an application for a New Public Carriage Driver's Licence on the 24 March 2026 via the online facility. The applicant's name and details are included on the application to become a licenced driver which is attached at Appendix 1.
2. On the application to BCP Council the applicant has disclosed previous convictions recorded on the Enhanced DBS Certificate which will be handed to members at the sub-committee meeting.
3. This applicant previously held a Driver's Licence with Christchurch Borough Council.
4. When previously licenced by Christchurch Borough Council the applicant did not advise the Licensing Authority of the initial offences for which he had been charged or later the criminal convictions which are recorded on the Enhanced DBS Certificate as would have been required by the Licensing Authority. When the Council became aware a licensing committee hearing was held and a decision made to revoke the driver's licence. A copy of the revocation letter is attached at Appendix 2. This decision was subsequently appealed; however the Magistrates Court dismissed the appeal and upheld the Council's decision.
5. The Licensing Officer carried out further investigations using the national database of refusals and revocations for taxi drivers (NR3) It is a statutory requirement that this database is checked for all new applicants. Search results showed that the applicant has applied to Portsmouth City Council for a driver's licence in 2024. There was no hearing with this application and applicant did not continue with application.
6. The Licensing Officer made enquires with Dorset Council who confirmed that the applicant had approached them, and they advised that if he applied to Dorset Council for a licence that the application would likely be refused.
7. The applicant has submitted a statement in support of his application which is at Appendix 3

Test of Fit and Proper Person

8. '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.

The BCP Council Hackney Carriage and Private Hire Driver Policy 2026-2031(The Policy), Chapter 8 sets the Fit and Proper Person test and in particular –

8.3 The Licensing Authority has a duty to take a robust stance in ensuring that applicants and licence holders are and remain 'fit and proper' to hold a licence at all times.

*8.10 In essence a 'fit and proper' person; **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.*

8.12 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.

*8.13 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.***

9. Chapter 8 also refers to criminality and BCP Council has adopted the previous convictions annexe of the Statutory Taxi and Private Hire Vehicle Standards, issued by the Department for Transport which was updated in November in 2022 which states the following

10.3 Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

10.4 Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

10. Members are also asked to consider the guidance within the Statutory Taxi and Private Hire Vehicle Standards. Paragraph 3 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

11. Chapter 5 of The Policy sets out guidance for decision makers. Particularly paragraphs 5.4 to 5.6 state

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 must 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.

12. The Institute of Licensing Suitability Guidance published in November 2024 Chapter 3 states that taxi and private hire vehicles are used regularly particularly by vulnerable groups such as children, elderly, 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.
13. 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

Options Appraisal

14. Members are asked to consider all the information provided and then take one of the following options:
- a. If deemed fit and proper the application can continue
 - b. If not deemed fit and proper the application will be refused.

Summary of financial implications

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

Summary of legal implications

16. 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

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

Summary of sustainability impact

18. There are no sustainability implications arising from this report

Summary of public health implications

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

Summary of equality implications

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

Summary of risk assessment

21. 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-Drivers-Policy](#)

[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 - On line application form

Appendix 2 –Revocation Letter Christchurch Borough Council

Appendix 3 – Applicant's statement in support of his current application to

BCP Council