

# LICENSING SUB-COMMITTEE



|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Report subject             | <b>Consideration of continued suitability to hold a BCP Hackney Carriage Driver Licence, Vehicle and Operator Licences</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Meeting date               | 26 August 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Status                     | Public Report with exempt appendices                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Executive summary          | <p>The individual holds a BCP Hackney Carriage Driver Licence, is the sole proprietor for three licensed vehicles and he also holds two Private Hire Operator Licences.</p> <p>Information has come to light regarding non-compliance issues relating to all these licences. As a result, consideration is now required as to whether the individual remains a fit and proper person to continue to hold each of these licences.</p>                                                                                                                                                                     |
| Recommendations            | <p><b>It is RECOMMENDED that:</b></p> <p><b>The Licensing Sub-Committee are asked to determine whether the individual remains a ‘fit and proper’ person to continue to hold any of the BCP Hackney Carriage driver, Operator and Vehicle Licences. The following options are available for each licence: -</b></p> <ul style="list-style-type: none"> <li>• <b>Issue a written Formal Caution</b></li> <li>• <b>Suspension for a defined period</b></li> <li>• <b>Revoke the licence</b></li> <li>• <b>Take alternative action</b></li> <li>• <b>Take no action, remains ‘fit and proper’</b></li> </ul> |
| Reason for recommendations | <p>Driver’s Licence</p> <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>Section 51(1) and 59(1) of the Local Government (Miscellaneous Provisions) Act 1976, provides that a district council shall not grant a Private Hire driver or Hackney Carriage driver licence unless satisfied that the applicant is a fit and proper person to hold a driver’s licence.</p>                                                                                              |

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      | <p><b>Vehicle Licences</b></p> <p>Hackney carriage vehicle licences are granted pursuant to sections 37 and 40 of the Town Police Clauses Act 1847 and Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to grant a private hire vehicle licence if the vehicle meets the statutory requirements regarding suitability, type, condition, insurance and complies with Council requirements.</p> <p>Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to suspend, revoke or refuse to renew either type of vehicle licence where the vehicle is unfit for use, there has been an offence or non-compliance with the legislation by the operator or driver, or there is any other reasonable cause.</p> <p><b>Operator Licence</b></p> <p>Section 55(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that the Council shall not grant an operator's licence unless satisfied that the applicant is a fit and proper person to hold an operator's licence.</p> <p>Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a Council can suspend, revoke or refuse to renew an operator's licence on specified grounds, including any other reasonable cause.</p> <p>The phrase "any other reasonable cause" is not defined within the Act and therefore falls to be determined by Members on the facts of each case. The provision gives the Council a broad discretion to take licensing action where there is a rational and evidenced basis for doing so. In exercising that discretion, Members should have regard to the Council's overriding duty to protect the public and maintain confidence in the licensed trade.</p> <p>The Council's Constitution sets out the responsibility of functions and of 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.</p> |
| Portfolio Holder(s): | Councillor Kieron Wilson – Portfolio Holder for Housing and Regulatory Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Corporate Director   | Laura Ambler, Director for Wellbeing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Report Authors       | Wesley Freeman- Licensing Officer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Wards                | Council-wide                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|                |              |
|----------------|--------------|
| Classification | For Decision |
|----------------|--------------|

## Background

1. An overview of the licences, the complaint and compliance history of the individual in relation to each type of licence is set out at Appendix 1.

## Test of Fit and Proper Person

2. Given the information provided members are asked to consider whether the licensed driver, and private hire operator remains a 'Fit and proper person' to continue to hold these licences.
3. This phrase 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.

4. The BCP Council Hackney Carriage and Private Hire Driver Policy 2026-2031, sets out in Chapter 8 the Fit and Proper Person test and in particular at paragraphs

*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.*

*8.12 In essence a 'fit and proper' person;*

*- should be honest, trustworthy and have integrity*

*8.15 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.*

*Must 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.*

*In addition, consideration on suitability may include other factors including the conduct of the applicant during the application process or during the term of their existing or previous licence as well as their conduct, co-operation and working relationship with the Authority and its officers.*

5. 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 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.

6. Chapter 5 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 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.*

7. The Institute of Licensing (IoL) Suitability Guidance published in November 2024 Chapter 3 states that 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.

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.*

### **Private Hire Operator Conditions**

8. Private Hire Operator Policy 2026 – 2031 under chapter 7 states the following requirements:
- The objective when licensing Private Hire Operators is ensuring the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.
  - A Private Hire vehicle may only be dispatched to a customer by a Private Hire Operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a Private Hire vehicle.

- A Private Hire Operator must ensure that every Private Hire vehicle dispatched by them is licensed and driven by a person who holds a Private Hire driver's licence.
  - All three licences (operator, vehicle, and driver) must be issued by the same Licensing Authority.
  - It is a criminal offence to operate a Private Hire vehicle without an operator's licence.
9. Chapter 9 sets out the requirement that an applicant or licence holder must be considered a fit and proper person to hold a Private Hire Operator's Licence.
- Must 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.
  - Must be honest and trustworthy with integrity as they have access to a large amount of personal information that could be misused and significant opportunity to defraud people.
  - Must work co-operatively with and be civil and respectful towards officers of the Licensing Authority who are carrying out their duties.

This list is not exclusive, and other factors may also be relevant to the fit and proper person definition.

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.

The Licensing Authority will consider all criminal history, unacceptable behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst licence holder's drivers were directly engaged in their professional capacity at work or whether they occurred during the licence holders own personal time.

10. The roles and responsibilities to include enforcement and sanctions determine:
- All BCP licensed operators should ensure that they are fully compliant with the policy and appendices
  - It is a requirement that all licence holders adhere to this policy and the conditions set out in it. In the event of enforcement action being necessary, it is not deemed acceptable that a licenced operator uses the excuse they were not aware of the requirements of this policy.
  - The Licensing Committee or Sub-Committee will be presented with reports in cases where operators do not meet the conditions of their licence, or where complaint investigation has resulted in the need for the licence to be reviewed.
  - Any operator who does not comply with this policy, or any conditions contained in it, which leads to a breach of a condition, or any complaint received will be

subject to investigation, the result of which may be brought before the Licensing Committee or Sub Committee.

- The Licensing Committee or Sub Committee. can choose to revoke a licence or suspend a licence pending any necessary action by the operators such as attending training or improving systems and record keeping as required.

11. Record keeping is addressed under Appendix A of the BCP Operator Conditions which determine the following:

- The records required to be kept by the operator under s.56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 must be kept in a suitable book, the pages of which are numbered consecutively, a computer record or other durable recording format. The operator shall enter or cause to be entered therein before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:-
  - a) The time and date of the booking
  - b) The name of the hirer
  - c) The time of the pick-up
  - d) The point of pick-up
  - e) The destination
  - f) The licence number of the vehicle allocated for the booking
  - g) The name of any individual who responded to the bookings (where applicable)
  - h) The name of any individual that dispatched the vehicle (where applicable)
  - i) Remarks (including details of any sub-contract)

## **Vehicle Conditions**

12. There is no statutory fit and proper person test that needs to be satisfied for the grant of a vehicle licence, however given the information provided in appendix 1, Members are asked to consider whether there is "any other reasonable cause" to suspend or revoke the vehicle licences under s.60. This can extend beyond the physical condition of the vehicle. For example, serious non-compliance by the proprietor, insurance irregularities, licensing fraud, or other conduct affecting the proper licensing of the vehicle may constitute reasonable cause to revoke the licence.

13. The Hackney Carriage and Private Hire vehicle policy 2026-2031 states the following in terms of vehicle inspections:

- All licenced vehicles regardless of age or mileage will be required to have two mechanical inspections per calendar year.
- Prior to the issue of a licence and annually thereafter a licensed vehicle must undergo a mechanical examination at one of the Council approved designated

testing centres. The testing station will issue a Mechanical Examination Certificate (MEC) for twelve months.

- Failure to complete the MEC or Mot by the due date will result in the vehicle licence being immediately suspended and the vehicle cannot be used as a licensed vehicle until confirmation that the test has been successfully completed is received and reviewed by the taxi licensing team.
- Failure to complete the MEC or MoT within two months of the due date will result in the vehicle licence being revoked.
- If the vehicle fails the MEC and its condition represents a risk to passengers a Stop Notice will be issued, this suspends the vehicle licence until the necessary repairs are carried out and the vehicle has been rechecked at the testing station.

14. In terms of hackney vehicle livery and plates, the policy states:

- All Hackney Carriages will be issued with licence plates one to be displayed externally and one internally, with the drivers badge displayed internally visible by the passenger at all times.
- The external vehicle plates are to be displayed on outer rear of the vehicle by the number plate or bumper and be clearly visible.
- The vehicle shall have permanently affixed, in the prescribed position the following livery:
  - A reflective blue stripe which should be between 75-85 mm wide and run continually along each side of the vehicle as close to the window line as possible
  - The reflective blue stripe shall have the words either BOURNEMOUTH CHRISTCHURCH or POOLE (in upper case) depending on the licenced zone of the vehicle on the near and offside quarter panels. Lettering shall be 25mm 'Eurostile' font Medium in white.
- The vehicle door insignia (as approved by BCP Council) must be fixed in place on both front doors of the vehicle and the bonnet.
- All Hackney Carriage vehicle must be fitted with an illuminated roof sign of a size and design approved by BCP Council Licensing Office.

15. The policy states in reference to Licensed drivers:

- The proprietor of a Hackney Carriage or Private Hire vehicle shall not allow the vehicle to be driven and used for hire by any person who does not hold a current Hackney Carriage or Private Hire driver's licence, as appropriate, issued by the Council.

16. The policy covers dual plating: BCP Council does not allow dual plating. Any vehicle that is licensed by BCP Council may not be licensed by any other Council at the same time.

17. Members should apply the requirements of the BCP policies and guidance stated above when considering whether this licensed driver, vehicle proprietor and private hire operator remains a 'Fit and proper person' to continue to hold these licences.

### **Options Appraisal**

18. Members are asked to consider all the information provided and then take one of the following options in respect of each of the licences being considered:
- Formal Caution
  - Suspension for a defined period
  - Revocation
  - Take alternative action
  - Take no action

### **Summary of financial implications**

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

### **Summary of legal implications**

20. Anyone aggrieved by a decision has the right to appeal to the Magistrates Court within a period of 21 days beginning with the day that the applicant is notified, in the writing, of the decision.

### **Summary of human resources implications**

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

### **Summary of sustainability impact**

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

### **Summary of public health implications**

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

### **Summary of equality implications**

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

### **Summary of risk assessment**

25. There are no equality 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.pdf](#)

#### **BCP Council Hackney Carriage and Private Hire Vehicle Policy (2026-2031)**

[Hackney-Carriage-and-Private-Hire-Vehicle-Policy.pdf](#)

**BCP Private Hire Operator Policy (2026-2031)**

**[Taxi-and-Private-Hire-Operator-policy.pdf](#)**

**Local Government (Miscellaneous Provisions) Act 1976 - LG(MP) Act 1976**

**Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades [Institute of Licensing Guidance](#)**

**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- Overview of Driver, Vehicle, Operator records with complaint and vehicle inspection matters