

LICENSING SUB-COMMITTEE



Report subject	Suitability of applicant to meet the fit and proper criteria to be a licensed driver
Meeting date	23 September 2026
Status	Public with exempt appendices
Executive summary	The Licensing Team have received an application for a new driver licence, information contained within the application raises concerns on their suitability to become a licensed driver.
Recommendations	It is RECOMMENDED that: The Licensing Sub-Committee determine whether the driver is consider a ‘fit and proper’ person to hold a Hackney Carriage and Private Hire driver licence. The following options are available: - a. If deemed, they are ‘fit and proper’ the application can continue b. If deemed, they are not ‘fit and proper’ the application is refused Members of the Licensing Sub-Committee are asked to decide at the end of the hearing after all relevant parties have been given the opportunity to speak which option is appropriate. 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. 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.

Portfolio Holder(s):	Councillor Kieron Wilson – Portfolio Holder for Housing and Regulatory Services
Corporate Director	Laura Ambler – Corporate Director for Wellbeing
Report Authors	Trudi Barlow – Licensing Officer
Wards	Council-wide
Classification	For Decision

Background

1. The applicants' details and background are attached at Appendix 1.
2. The licensing regime as set out in the purpose statement of the BCP Council Hackney Carriage and Private Hire Driver Policy 2025-2030 (The Policy) states that

1.2 In the interest of public safety and to safeguard vulnerable persons BCP Council seek to ensure that anyone issued with such a licence is considered to be 'fit and proper.'

1.3 This policy is concerned with the regulation of Hackney Carriage and Private Hire licensed drivers, and the Council adopts the overall approach to encourage the responsible activity of all drivers. In the interests of its residents and visitors, it will not tolerate any driver who poses a threat to the safety of any passenger

Test of Fit and Proper Person

3. Given the information provided in Appendix 1 members are asked to consider if the driver is a 'fit and proper person' to continue to become a licence driver.
4. 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.
5. The Policy, 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

8.14 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.

6. 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. 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 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.

8. Members should apply the requirements of the 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

9. Members are asked to consider all the information provided and then take one of the following options:
 - a. If deemed, they are 'fit and proper' the application can continue

- b. If deemed, they are not 'fit and proper' the application is refused.

Summary of financial implications

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

Summary of legal implications

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

Summary of human resources implications

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

Summary of sustainability impact

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

Summary of public health implications

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

Summary of equality implications

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

Summary of risk assessment

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

Background papers

BCP Council -[Hackney Carriage and Private Hire Driver Policy \(2026-2031\)](#)

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

Institute of Licensing -[Guidance on determining suitability of applicants and licensees in the hackney carriage and private hire industry - 2024](#)

Department of Transport - [Statutory taxi and private hire vehicle standards - July 2020 updated in November 2022](#)

Appendices

Appendix 1