

REPORT TO LICENSING SUB-COMMITTEE

Date of Hearing:	28.08.2025
Report of:	Nigel Marston
Decision Required:	To determine if the Applicant is fit and proper to hold a taxi drivers licence in accordance with the relevant Legislation.
Legislation:	Local Government (Miscellaneous Provisions) Act 1976 Town Police Clauses Act 1847
Applicant:	

1. WHAT IS THE REPORT ABOUT?

- 1.1 To determine whether the Applicant is a fit and proper person to hold a taxi drivers licence.

2. BACKGROUND

- 2.1 The Applicant submitted an application attached at Appendix A for the renewal of a combined Hackney Carriage/Private Hire drivers' licence on the 10 June 2025.
- 2.2 The Applicant has been a combined driver licence holder with Exeter City Council licensed as HD023 since 11 December 2013.
- 2.3 In response to the question do you have any convictions, cautions or reprimands? the Applicant has answered No.
- 2.4 The renewal application form, completed by the Applicant, sets out the following statutory declaration:

INFORMATION DISCLOSED ON THIS FORM MAY BE REVEALED TO OTHER AGENCIES AND BODIES FOR THE SOLE PURPOSE OF PREVENTING OR DETECTING CRIMES

Your attention is drawn to the following:

Your application for the renewal of a Hackney Carriage or Private Hire Drivers Licence may be subject to a Disclosure and Barring Service (DBS) check. You are advised that applications for renewal of licences may not be successful where convictions or cautions are declared or subsequently disclosed.

Where convictions or cautions arising during the life of your licence are declared, the Council's Licensing Committee will consider any written representations made by you indicating why you should be considered a fit and proper person to hold a licence and why your licence should be allowed to be renewed. In cases where convictions or cautions are revealed during the period of the licence, the licence may be suspended or revoked.

I understand that omissions or incorrect statements will render the Licence, if granted, liable to suspension or revocation and I may be liable to prosecution in a criminal court. I have been given a copy of the conditions appertaining to Hackney Carriage and Private Hire Drivers Licences. I have read or had them explained to me and understand them.

I hereby certify that to the best of my knowledge and belief, the answers I have given are true. I confirm that this signature authorises Exeter City Council to share my data with appropriate authorities and undertake appropriate checks for the period of the licence.

- 2.5 Officers attempted to undertake a DBS update check. This was not possible as the Applicant had failed to maintain his subscription to the update service despite this being a requirement of Exeter City Council.
- 2.6 The Applicant was therefore required to complete a new DBS check.
- 2.7 On 17.07.2025 the applicant was issued with a new Disclosure and Barring Service Certificate number 001932626585 which listed a Caution on 14 June 2010 by Devon and Cornwall Police for the Offence of Affray on 20 May 2010 under Section 3 of the Public Order Act 1986. A copy of the DBS is attached at Appendix B
- 2.8 At no point did the Applicant declare his previous conviction to the licensing case officer.
- 2.9 The Applicants previous application was checked, and it is noted on the Uniform case record that he did not declare the caution and was given a warning by the case officer.
- 2.10 The Applicant confirmed that he understood that he must declare the caution on future applications. A copy of the notes made on the Applicants record is attached as Appendix C.
- 2.11 Four separate complaints supported by photographic evidence were received in relation to the Applicant parking his licenced Hackney Carriage vehicle in a restricted area near a school. The dates of the offences were as follows: 31 January 2025, 5 February 2025, 6 February 2025 and 13 February 2025
- 2.12 On 03.03.2025 the applicant was sent a letter informing him that he had been issued with 12 penalty points for non-compliance with traffic regulations and that these points remain live on his record with Exeter City Council for a period of 3 years and that if he gained any further points within this period then he would have to appear before a licensing sub-committee. He was provided with the email address for the Licensing Team if he wished to appeal the issue of the points and a time frame of ten working days and no appeal was made. A copy of the points letter issued to the Applicant is attached as Appendix D.

3. WHAT ARE THE LEGAL ASPECTS?

- 3.1 Under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') a district council may suspend or revoke or (on application therefore under section 46 of the Town Police Clauses Act 1847 ('Act of 1847') or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds:

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (a) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause.

- 3.2 The evidential burden is not on the Applicant to prove he is a fit and proper person but for the Licensing Sub-Committee to be satisfied on the balance of probabilities that the Applicant is no longer a fit and proper person.
- 3.3 The Licensing Sub-Committee must have regard to the Statutory taxi and private hire standards updated on 25th November 2022 and issued by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017('Statutory Guidance').
- 3.4 The Statutory Guidance provides information on the fit and proper test at Paragraph 5.4 states:

'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.'

4. WHAT ARE THE POLICY ASPECTS?

- 4.1 The Licensing Sub-Committee must have regard to the Council's the Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators and the Code of Conduct for Licensed Drivers ('Taxi Policy').
- 4.2 The Licensing Sub-Committee must satisfy itself that all Licensed Drivers are Fit and Proper persons to hold a Drivers Licence. In so doing, it will have regard to all relevant factors such as convictions, cautions, warnings and reprimands including those that are "spent Convictions" under the Rehabilitation of Offenders Act 1974.
- 4.3 At E 6.4 Drivers maintain close contact with the public and for this reason where a driver has a conviction for offences involving violence the recommendation to the Licensing Sub-Committee will be to refuse the application for or revoke a licence within 5 years from the date of conviction, or the end of any custodial sentence imposed or where there are two or more offences in any period involving violence.

- 4.4 Dishonesty and deception are also offences that would merit a refusal within 5 years of a conviction. Despite being made aware of the need to declare convictions, cautions or reprimands in 2022, the Applicant has failed to declare the caution and has made a false statutory declaration on the application form.

5. OPTIONS

- 5.1 The Licensing Authority would make the following recommendations:

The Licensing Sub-Committee may find either:

- i) That the Applicant is a fit and proper person to hold a taxi driver's licence and the licence should be renewed; or
- ii) That the Applicant is a fit and proper person to hold a taxi drivers licence and the licence should be renewed but a written warning shall be issued by the Chair of the Licensing Sub Committee with regard to future conduct; or
- iii) That the Applicant is not a fit and proper person to hold a taxi driver's licence and the licence should not be renewed.

6. RECOMMENDED

- 6.1 It is recommended that the Licensing Sub-Committee determine whether or not the Applicant is a fit and proper person to hold a taxi driver's licence, having regard to the Applicants' representations and all other relevant information submitted together with the Taxi Policy.

Simon Lane – Head of Service Environment and Waste
Author: Nigel J Marston

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report: None.