

Not for publication

REPORT TO LICENSING SUB-COMMITTEE

Date of Hearing:	15.04.2026
Report of:	Nigel J Marston – Principal Licensing Officer
Decision Required:	To determine if the Licensed Driver 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
Licensed Driver:	[REDACTED]

1. WHAT IS THE REPORT ABOUT?

- 1.1 To determine whether or not the Licensed Driver is a fit and proper person to hold a taxi drivers’ licence.

2. BACKGROUND

- 2.1 The Licensing Authority was informed by Apple Taxis of a complaint that had been received on 11th March 2026, in relation to a booked journey on 9th March 2026. A copy of the complaint is attached as Appendix A.
- 2.2 The complaint alleges that the Licensed Driver swore at the female passengers and drove off with his door open (‘the Incident’).
- 2.3 One of the passengers was able to record the Incident, and this recording is attached at Appendix B.
- 2.4 The Principal Licensing Officer spoke with the Licensed Driver, via a telephone conversation, in relation to the Incident. During that conversation, the Licensed Driver accepted the complaint made against him and tried to justify his behaviour by claiming that the passengers were messing him around. The Principal Licensing Officer explained that having viewed the footage, the language used towards female passengers was totally inappropriate and the Incident was so serious that the Licensed Driver would be referred to Licensing Sub-Committee to determine if he remained a fit and proper person to hold a taxi driver’s licence.

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 Licensed Driver 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 Licensed Driver is no longer a fit and proper person.
- 3.3 The Licensing Sub-Committee may suspend or revoke a taxi driver's licence where they are not satisfied that the licence holder is a fit and proper person to drive a taxi.
- 3.4 If the Licensed Driver is suspended the suspension period is determined by the Licensing Sub-Committee as they determine appropriate based on the circumstances of the case. The Licensing Sub-Committee may require the Licensed Driver to complete specified training.
- 3.5 If the Licensed Driver's licence is suspended or revoked the suspension or revocation shall commence at the end of the period of 21 days beginning with the day in which the Licensed Driver has received written notice of the Licensing Sub-Committee decision, unless there is an immediate need to protect the public in which case the suspension or revocation will have immediate effect.
- 3.6 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')
- 3.7 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.'

- 3.8 The Licensing Sub-Committee may impose penalty points in accordance with the Council's Taxi Policy which is explained further below.

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 relevant provisions of the Taxi Policy are as follows:
- *N.1.1*
 - (c) The driver shall at all times be clean and tidy, and must behave in a polite manner.*
 - (d) all reasonable precautions must be taken to ensure the safety of passengers conveyed in, entering or alighting the vehicle.*

 - *J.7.1(c) drive with due care and consideration for other road users and pedestrians, and in particular shall not use a handheld mobile phone whilst driving.*

 - *J.2.1 Licence holders shall endeavour to promote the good image of the Hackney Carriage and Private hire trade by:*
 - a. complying with this Code of Good Conduct;*

 - b. complying with all the Conditions of their Licence and the Councils Hackney Carriage and Private Hire Licensing Policies;*

 - c. behaving in a civil, orderly and responsible manner at all times*
- 4.3 A copy of the driver's conditions issued to this driver at renewal on 20th April 2024 is attached as Appendix C.
- 4.4 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.
- 4.5 The Taxi Policy does state that there may be occasions where it is appropriate to depart from these guidelines when considering whether a driver is fit and proper. For example, where the offence is a 'one-off' and there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness

- 4.6 In July 2023, the Council adopted a points based disciplinary system which officers and the Licensing Sub-Committee may apply to licensed drivers. A copy is attached as Appendix D to this report.

Relevant to this report, the following can be considered.

Details of Misconduct	Points applicable
Unsatisfactory behaviour or conduct of a driver	1-12
Failure to behave in a civil and orderly manner, or bringing the trade into disrepute	1-12

- 4.7 When issued, the penalty points will remain 'live' for a rolling period of 36 months from the date they were imposed.
- 4.8 If 12 penalty points are imposed on an individual licence in any one 36-month rolling period the driver will appear in front of the Licensing Sub-Committee where appropriate action will be taken in accordance with the Taxi Policy.

5. OPTIONS

- 5.1 The Licensing Authority would make the following recommendations:

The Licensing Sub-Committee may find either:

- i) That the Licensed Driver is a fit and proper person to hold a taxi driver's licence and the licence should remain in place; or
- ii) That the Licensed Driver is a fit and proper person to hold a taxi drivers licence and the licence should remain in place but a written warning shall be issued by the Chair of the Licensing Sub Committee with regard to future conduct; or
- iii) That the Licensed Driver is a fit and proper person to hold a taxi drivers licence and the licence should remain in place but a written warning with regard to future conduct together with the issue of penalty points from the Chair of the Licensing-Sub-Committee; or
- iv) That the Licensed Driver is not a fit and proper person to hold a taxi driver's licence but that the licence should remain in place subject to a period of suspension so as to deter any future misconduct. In addition, penalty points may be issued by the Chair of the Licensing Sub Committee; or
- v) That the Licensed Driver is not a fit and proper person to hold a taxi driver's licence but that the licence should remain in place subject to a period of suspension until such time as the Licensed Driver has completed appropriate training. In addition, penalty points may be issued by the Chair of the Licensing Sub Committee; or
- vi) That the Licensed Driver is not a fit and proper person to hold a taxi driver's licence and should have his licence revoked;

Where the Licensing Sub-Committee determine that the Licensed Driver is not a fit and proper person to hold a driver's licence and there is a need to provide immediate protection to the public the licence will be suspended or revoked with immediate effect.

6. RECOMMENDED

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

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

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

Background papers used in compiling this report: None.