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## REPORT TO LICENSING SUB-COMMITTEE

<b>Date of Hearing:</b>	19 <sup>th</sup> June 2025
<b>Report of:</b>	Service Lead - Head of Environment and Waste
<b>Decision Required:</b>	<b>To determine if the Applicant is fit and proper to hold a taxi drivers licence in accordance with the relevant Legislation.</b>
<b>Legislation:</b>	<b>Local Government (Miscellaneous Provisions) Act 1976 Town Police Clauses Act 1847</b>
<b>Applicant:</b>	<b>Hussain Ahmed - HD519</b>

### 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 Hackney Carriage / Private Hire driver's licence on 15th April 2025.
- 2.2 The Applicant failed to disclose the following convictions on the renewal application.
- TS10 – Failing to comply with traffic light signals 24<sup>th</sup> December 2024: 3 penalty points
- 2.3 A copy of the Applicant's DBS is attached at APPENDIX B.
- 2.4 A copy of the Applicant's Taxi Plus is attached at APPENDIX C.
- 2.5 A copy of the Notice of Prosecution is attached at 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 Licensing Sub-Committee must have regard to the Statutory taxi and private hire standards updated on 25<sup>th</sup> November 2022 and issued by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017('Statutory Guidance')

3.3 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.'*

3.4 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 Section 13.3.1: *Private hire drivers (or dual Hackney carriage/ private hire licence holders), who are convicted of any criminal or motoring offence, shall disclose the conviction and the penalty involved to the Council within seven days. For these purposes, a fixed penalty motoring offence amounts to a conviction.*

4.3 Section E.9.1: *Normally, convictions for other traffic offences not involving disqualification should not prevent someone obtaining a licence. However, if there are several convictions for these types of offence, an applicant will normally be expected not to have been convicted of an offence in the 6 months before an application is made.*

- 4.4 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 E to this report.

Relevant to this report, the following can be considered.

Details of Misconduct	Points applicable
Failure to notify the Council in writing, of any motoring or criminal convictions within 21 days or conviction or cautions during period of current licence	6

- 4.5 When issued, the penalty points will remain 'live' for a rolling period of 36 months from the date they were imposed.
- 4.6 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 Applicant is not a fit and proper person to hold a taxi driver's licence and his licence should not be renewed.
- ii) That the Applicant is a fit and proper person to hold a taxi driver's licence and the licence should be renewed; or
- iii) That the Applicant is a fit and proper person to hold a taxi drivers' licence and the licence should be renewed but one or more of the following sanctions shall apply;
  - a. a written warning shall be issued by the Chair of the Licensing Sub Committee with regard to future conduct;
  - b. penalty points shall be issued in accordance with the Licensing Authority penalty points disciplinary system;
  - c. the Applicant must attend and complete a suitable training course to the satisfaction of the Licensing Authority.

## 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 Licensed Drivers' representations and all other relevant information submitted together with the Taxi Policy.

Service Lead Simon Lane - Head of Environment and Waste  
Author: Julie Bennett

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

Background papers used in compiling this report: None.