

REPORT TO LICENSING SUB-COMMITTEE

Date of Hearing:	June 19th 2025
Report of:	Service Lead - Head of Environment and Waste
Application:	GRANT of a Hackney Carriage / Private Hire Vehicle drivers licence. To determine if the Applicant is fit and proper person to hold a taxi drivers licence.
Legislation	Local Government (Miscellaneous Provisions) Act 1976 Town Police Clauses Act 1847
Applicant:	Hamza Khalil

1. WHAT IS THE REPORT ABOUT?

1.1 The Applicant submitted an application attached at APPENDIX A for the grant of a Hackney Carriage / Private Hire driver's licence on 25th July 2024, during the application process the following convictions have been disclosed:

SP50 Exceeding speed limit on a motorway on 29th June 2023: 5 Points.
SP50 Exceeding speed limit on a motorway on 4th July 2023: 3 Points.

1.2 A copy of the Applicant's DBS certificate is attached at APPENDIX B.

1.3 The Applicant has provided references, attached at APPENDIX C.

1.4 A check of the Applicant's driving licence was conducted showed: 8 penalty points and the Davis result is attached at APPENDIX D.

1.5 The Applicant completed a Taxi Driver Assessment. The certificate is attached at APPENDIX E.

2. WHAT ARE THE LEGAL ASPECTS?

2.1 Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') provides that subject to the provisions of this Part of this Act, a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence—

(a) unless they are satisfied

(i) that the applicant is a fit and proper person to hold a driver's licence;

2.2 Section 59 Local Government (Miscellaneous Provisions) Act 1976 provides that a district council shall not grant a licence to drive a hackney carriage—

(a) unless they are satisfied —

(i) that the applicant is a fit and proper person to hold a driver's licence;

2.3 The evidential burden is on the Applicant to show on the balance of probabilities that they are a fit and proper person to hold a Private Hire/Hackney Carriage drivers' licence. Therefore, the Applicant must demonstrate to the Licensing Sub-Committee that they are a fit and proper person to be a Private Hire/Hackney Carriage licence holder.

2.4 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').

2.5 Paragraph 5.4 of the Statutory Guidance states:

2.5.1 *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:*

2.5.2 *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. WHAT ARE THE POLICY ASPECTS?

3.1 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').

3.2 E.9.1 States that '*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*'.

3.3 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.

- 3.4 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. INSTITUTE OF LICENSING GUIDANCE

- 4.1 The Institute of Licensing Guidance on Suitability for applicants and licensees in the hackney carriage and private hire industry published in October 2024 states the following:
- 4.2 *Para 4.50 'Tax and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction can demonstrate a lack of professionalism and will be considered seriously. A single occurrence of a minor traffic offence may not prohibit the grant of a licence or result in action against an existing licence. Subsequent convictions suggest the fact that the licensee may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to be granted or retain a licence.'*
- 4.3 *Para 4.54 'By attaining 7 or more penalty points on their DVLA licence a driver is demonstrating they may not be fit and proper and the authority should assess their suitability. It is suggested part of the assessment is to undertake a driver awareness course and/or pass a driver assessment, with no more than 8 minor infringements, within 2 months of notice from the authority they are considering the suitability of the licence holder. Failure to do so strongly suggests the driver is not fit and proper and not be licensed until a period of 12 months has passed with no further convictions and has passed a driver assessment since the last conviction.'*

5. OPTIONS

- 5.1 The Licensing Sub-Committee may find either:
- i) that the Applicant is a fit and proper person to hold a taxi driver's licence; or
 - ii) that the Applicant is not a fit and proper person to hold a taxi driver's licence.

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 driver's licence, having regard to the submitted information and the Council's Taxi Policy.

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-
None

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