

2 Background

- 2.1 The Borough Council must be satisfied that the holder of a Hackney Carriage Driver's licence is a fit and proper person to hold that licence. The safety of the public is the paramount concern.

3. Policy Considerations

- 3.1 Decision making in relation to licensing is an onerous duty, dealing with both the livelihood of the licensee/applicant and the risks to the safety and comfort of the public. Each case will be decided on its own merits. The council will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision.
- 3.2 The licensing authority must be satisfied that all those who are licensed to drive hackney carriages and / or private hire vehicles, and those who are licensed to operate under a private hire operator's licence, are fit and proper persons.

General Policy

- 3.3 The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment.

Fit and Proper Person

There is no absolute definition as to what constitutes a "fit and proper person". However, considering the range of passengers that a driver may carry, for example, elderly people, unaccompanied children, people with disabilities, those who have had too much to drink, lone women and foreign visitors, the Council will want to have confidence that such people would be able to rely on the driver.

Some important areas that will be considered by the Council are:

- a) Honesty and trustworthiness – licensed drivers and operators often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. For example, any passenger would expect to be charged the correct fare for a journey and then given the correct change, they would also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.
- b) Courtesy - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. A driver will not be expected to have any convictions or cautions for offences of a violent or threatening nature.
- c) Consistently good and safe driving - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
- d) Good knowledge of the area that they are working in.

e) Good physical and mental health.

f) Ability to read, speak and understand English, together with a working knowledge of arithmetic in giving the correct change, etc.

3.4 Extracts from Cheltenham Borough Council's Code of Good Conduct for Licensed Drivers

The Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

Licence holders shall:-

a) Always be polite and courteous to all members of the public, avoiding the use of bad language, even when provoked

...

m) Drive with care and due consideration for other road users and pedestrians

The full policy and the code of good conduct for licensed drivers are available at www.cheltenham.gov.uk/licensing.

4. Licensing Comments

- 4.1 The council is under a statutory obligation to ensure that persons licensed as hackney carriage drivers are fit and proper people.
- 4.2 In particular the council's policy is clear that drivers licensed by the council are expected to be careful and considerate drivers who are polite and courteous to all members of the public, regardless of provocation.
- 4.3 Members are advised that Mr Rogers has not been convicted or cautioned for any offence. It is for the sub-committee to consider the details of the complaints and the information provided by Mr Rogers and others, to weigh up whether he is a safe and suitable person to be licensed.
- 4.4 Members are advised that whilst the council's policy gives the sub-committee the option of suspending a licence, this should not be used as a punitive measure. The option of suspending a driver's licence should only be used as a corrective measure where Members feel that a driver is not currently a fit and proper person to hold a licence, but that he or she will become fit and proper in due course.
- 4.5 Mr Rogers has been sent a copy of this report and invited to attend the meeting, to address the sub-committee and to answer Members' questions.
- 4.6 In considering the application on its own merits Members should have regard to the adopted Probity Guide.

Background Papers

Service Records

Report Author

Contact officer: Mr Philip Cooper
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 262626

