



## **LICENSING SUB-COMMITTEE (TAXIS)**

**Determination of action to be taken  
following investigation of complaints  
concerning a private hire driver**

### **Decision Record**

**DATE OF HEARING:** 1st November, 2023

**MEMBERS SITTING:** Cllrs Sarah Spall, Nem Thapa and  
Jacqui Vosper (Chairman)

## **DECISION**

The decision of the Sub-Committee was to issue Mr Darby Allen with a warning as to his future conduct.

## **REASONS**

The Sub-Committee's decision was made in accordance with the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, Rushmoor Borough Council's Taxi Licensing Policy, the Statutory taxi and private hire vehicle standards (dated 25 November 2022) and the Department of Transport's Taxi & Private Hire Vehicle Licensing: Best Practice Guidance.

The Sub-Committee listened carefully to the representations of the Rushmoor Borough Council Licensing Manager, to the representations from the Licence Holder, Mr Darby Allen and his Operator, Phillip Henley, and the written evidence presented to it at the hearing.

The Sub-Committee tried to strike a fair balance between the interests of Mr Allen and the concerns of the Licensing Authority but its overriding consideration was the safety of the public.

The Sub-Committee noted that any threat made against a child was a serious matter.

The Sub-Committee noted that the Licence Holder, Mr Allen, accepted in interview that he had made a threat of physical force to one of the children, in the heat of the moment and under considerable provocation. In the hearing itself, he confirmed that he had said "Do that again, I'm liable to punch you".

The Sub-Committee noted that there had an expectation on the part of Mr Allen that a Passenger Assistant would have been provided but there was not one on this occasion, and that Passenger Assistants were provided by HCC directly where they deemed it appropriate. There was no possibility of a Passenger Assistant being allocated on the day. The Licence Holder could have refused to take the children but he did not.

The Sub-Committee noted that the Operator was not aware of any of its drivers ever having had water thrown over them whilst driving before. The Operator had received no previous reports that these passengers would behave in this way.

The Sub-Committee noted that there were no disciplinary entries recorded against the Licence Holder, Mr Allen, with Rushmoor Borough Council or with his previous Licensing Authority, since 2016.

The Sub-Committee noted that there had been no complaints

recorded against the Licence Holder, Mr Allen, with the Operator, 24/7 (Hants) Limited.

The Sub-Committee found the Licence Holder, Mr Allen, to be an honest and open witness. They accepted that he had apologised to both parents on the day and that he remained remorseful for his outburst, which had been out of character for him.