



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

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

### **Decision Record**

**DATE OF HEARING:** Thursday, 9 January 2025

**MEMBERS SITTING:** Cllrs Gaynor Austin, C.W. Card and  
Jacqui Vosper (Chairman)

## **DECISION**

To revoke the driver's private hire driver's licence.

## **REASONS**

1. Our decision is 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.
2. The Sub-committee listened carefully to the representations of the Rushmoor Borough Council Licensing Manager, Shelley Bowman, and carefully considered the written representations from the Licence Holder, including his email dated 22.12.24, as well as the other written evidence presented to it at the hearing. In fairness to the Licence Holder, the Sub-committee both read the transcript, and listened to the recording, of his interview of 19.09.24.
3. The Sub-committee has tried to strike a fair balance between the interests of the Licence Holder and the concerns of the Licensing Authority, but its overriding consideration was the safety of the public.
4. The Sub-committee noted that the Licence Holder's licence expires on 11.01.25 and that he has said he will not be seeking to renew that licence at Rushmoor Borough Council.
5. The Sub-committee accepted the account from the complainant in the witness statement, noting he had signed the criminal standard statement of truth.
6. The Sub-committee noted that the Licence Holder accepted in interview that he had been present at the two car parks, and that he was the man pictured in the photographs taken by the witness.

7. The Sub-committee noted that the Licence Holder accepted that he had been present, but he denied exposing himself at any time and denied masturbating. We noted that he accepted that he knew that the car park was used for male sexual liaisons.
8. The Sub-committee did not find his account to be credible. There were too many inconsistencies:
  - a. He clearly did not have a jacket over his arm in the photographs that the witness took of him, and his account in the email of 22.12.24 differed from his account in interview (bundle page 36) in which he said he had had a jacket over his arm in the first car park.
  - b. He said that the tube of cremated ashes was in his trouser pocket, but nothing of that sort is visible in the photographs, in which his trouser pockets are clearly visible.
  - c. He said he was there to scatter his pet's ashes, but did not do so because his wife was not present. She was not present when he had arrived, so he could not have been there for the scattering of ashes.
  - d. He said he would not scatter the ashes if there were other dogs present. He said he was checking the vehicles to see if there were dogs. He said there were no dogs present but still did not scatter the ashes.
  - e. He said at bundle page 32 that the man who had photographed him was not the one who had been sitting in a car with his dog, but at page 34 he said that it was one of the vehicles he had checked to see if there were dogs.
9. The decision of the Sub-committee was that the Licence Holder was not a fit and proper person under the Act, and that his licence would be revoked with immediate effect.

## **OTHER CONDITIONS**

**(New, amended and deleted conditions consistent with**

**the operating schedule)**

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