



LICENSING SUB-COMMITTEE (TAXIS)

**Determination of application for a
restricted private hire drivers licence**

Decision Record

DATE OF HEARING: Friday, 17 October 2025

MEMBERS SITTING: Cllrs C.W. Card, P.J. Cullum and Jacqui Vosper

DECISION

1. To refuse to grant a private hire driver's licence to the Applicant.
2. The Sub-Committee's 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, and the relevant guidance and statutory standards from the Department for Transport.

REASONS

1. The Sub-Committee listened carefully to the representations of the Rushmoor Borough Council Licensing Manager, Shelley Bowman and the representations of the Applicant, and their representative, at the hearing. The Sub-Committee confirmed that it had read and carefully considered the report of the Licensing Manager including the evidence provided, and the written representations of the Applicant prior to the hearing.
2. The Sub-Committee had read the report in this case and had regard to both the Council's current Taxi Licensing Policy & Guidance and relevant guidance from the Department for Transport.
3. The Sub-Committee had regard to its duty under the Human Rights Act 1998 and believes that its decision is reasonable, proportionate and not excessive in the circumstances of the Applicant's application. The Sub-Committee fairly balanced the interests of the Applicant, the concerns of the Licensing Authority, and the safety of the public.
4. In considering its decision the Sub-committee considered paragraphs 12.17, 12.19 and 12.51 of that Policy which state:
 - 12.17 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors;
 - 12.19 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending; and

12.51 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

5. The Sub-Committee also posed itself the following question in line with the Council's Taxi Licensing Policy in considering if the Applicant was a fit and proper person to hold a private hire driver's licence:

Without prejudice and based on the information before me, would I allow any person for whom I care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

6. The Sub-Committee considered the Applicant had demonstrated a pattern of behaviour as they had committed 4 speeding offences over a period of four years and attended a speed awareness course for a speeding offence in 2020. The Applicant's representation that two of these offences were whilst driving alone in a private vehicle was not considered by the Sub-Committee to be a mitigating factor.

The Sub-Committee did not feel that there was any reason presented to justify departing from the Policy.

Right of Appeal

Section 52 of the Local Government (Miscellaneous Provisions) Act 1976 provides that any driver aggrieved by a decision of a district council to refuse a hackney carriage and/or private hirer driver's licence may appeal to a magistrates court, Section 300 of the Public Health Act 1936 provides that any such appeal may be made within twenty-one days from the date on which notice of the Council's requirement refusal, or other decision is served.