
SOUTHAMPTON CITY COUNCIL
LICENSING (GENERAL) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 19 JULY 2018

Present: Councillors Mrs Blatchford (Chair), McEwing and Parnell

Apologies: Councillors Furnell and B Harris

1. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The apologies of Councillors B Harris and Furnell were noted.

2. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 27 April 2018 be approved and signed as a correct record.

3. **EXCLUSION OF THE PRESS AND PUBLIC**

The Chair moved that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of item 7 based on Categories 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules. The information contained therein is potentially exempt as it relates to individual personal details and information held under data protection legislation.

RESOLVED that having applied the public interest test it was not appropriate to disclose this information as the individuals' legal expectation of privacy outweighed the public interest in the exempt information.

4. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

RESOLVED that the Sub-Committee move into private session in order to receive legal advice when determining issues. The parties to the hearing, press and the public, unless otherwise excluded by Category 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules, would be invited to return immediately following that private session at which time the matter would be determined and the decision of the Sub-Committee announced.

It was noted that the exclusion paragraph should not have included the Licensing Act 2003 (Hearings) Regulations 2005.

5. **HACKNEY CARRIAGE DRIVER'S LICENCE**

The Sub-Committee considered the report of the Service Director of Transactions and Universal Services to determine whether the applicant was a fit and proper person to hold a hackney carriage driver's licence.

The Licensing Manager, the applicant and his colleague were present and with the consent of the Chair addressed the meeting.

The Sub-Committee has considered very carefully the report of the Service Director – Transactions and Universal Services and all the evidence presented today by the Licensing Manager and the applicant, including references submitted today.

Due regard was given to the Local Government (Miscellaneous Provisions) Act 1976 “the Act” and the guidelines relating to the application of the “fit and proper person” test and other consideration of character. The Human Rights Act had been borne in mind whilst making the decision.

The Sub-Committee considered all the facts and decided that the applicant was not a fit and proper person in accordance with the Act and his application for a hackney carriage driver’s licence was refused.

It was determined that in light of the reasons for the previous decision to exclude the press and public from the hearing and for the report of the Service Director of Transaction and Universal Services to be confidential, the reasons for the decision were also confidential and ought not to be published.