
SOUTHAMPTON CITY COUNCIL
LICENSING (GENERAL) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 22 JUNE 2022

Present: Councillors Bunday, Furnell, G Galton, Noon and Vassiliou

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

RESOLVED: that the minutes for the Sub-Committee meeting on 22 March 2022 be approved and signed as a correct record.

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

RESOLVED 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. Having applied the public interest test it is not appropriate to disclose this information as the individuals' legal expectation of privacy outweighs the public interest in the exempt information.

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

RESOLVED That at a predetermined point during the consideration of all items the Sub-Committee may 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 the Licensing Act 2003 (Hearings) Regulations 2005, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee was announced.

4. **PRIVATE HIRE DRIVER'S LICENCE APPLICATION**

The Sub-Committee considered the report of the Executive Director – Communities, Culture and Homes setting out considerations whether the Applicant was a fit and proper person to hold a Private Hire Driver's Licence.

RESOLVED

The Sub-Committee has considered very carefully the report of the Service Director – Communities, Culture and Homes, all of the supporting evidence and all of the evidence presented today by the Licensing Officers, the Applicant and his representative.

It has given due regard 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 considerations of character. The Human Rights Act, The Crime and Disorder Act 1998 and the Equality Act 2010, has been borne in mind whilst making the decision.

The Sub-Committee considered the Applicant's history as a licensed driver, as well as the representations from and on their behalf. Taking into account all of the above, the Sub-Committee considered all the facts and has determined that the applicant was not

a fit and proper person, in accordance with the Act to be granted a Private Hire Licence and the application was refused.

Reasons for Decision

The Sub-Committee considered all of the evidence. The Sub-Committee agreed that it was important to consider the historic and current evidence in this case. The Sub-Committee noted that the Applicant had provided new evidence that they had passed the Blue Lamp Trust Taxi Driver Assessment on 11 May 2022.

The Sub-Committee noted that whilst the Applicant had previously provided a medical letter from his doctor which has confirmed that he is fit to drive a taxi, the Sub-Committee noted that the Applicant had not presented it with any evidence as to his ongoing treatment or the annual follow up. The Sub-Committee was provided with the notes from the medical examination carried out as part of the application, at the hearing.

The Sub-Committee was presented with evidence relating to a number of complaints about the Applicant's honesty, behaviour and driving. It listened carefully to what was said about those matters in support of the application by the Applicant and his representative. However, the Sub-Committee resolved that it remained concerned over the serious nature of some of the previous complaints, and was concerned that the Applicant could not recall some of the incidents.

The Sub-Committee took on board the submissions of the Applicant that the complaints in the past had occurred during a time of personal stress, however given the nature and seriousness of the complaints, the Sub-Committee remained dissatisfied with the explanations given for some of the complaints that had been made and was not persuaded that the pattern of behaviour previously shown by the Applicant would change.

In light of all of the above the Sub-Committee remains unconvinced that the Applicant is a fit and proper person for the purposes of the Act. Accordingly the determination is to not grant the application.

There is a right of appeal for the Applicant to the Magistrates' Court. Formal notification of the decision will set out that right in full.