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SOUTHAMPTON CITY COUNCIL  
LICENSING (GENERAL) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 17 AUGUST 2022

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Present: Councillors Bunday (Chair), Blatchford, Vassiliou, Vaughan and Noon

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

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

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

**RESOLVED** that the Chair to 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.

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

**RESOLVED** that the Chair moved at a predetermined point during the consideration of all items the Sub-Committee would move into private session in order to receive legal advice when determining issues. The parties to the hearing, would then be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee would be announced.

8. **PRIVATE HIRE DRIVER'S LICENCE**

The Sub-Committee considered all the evidence presented by the Licensing Manager, the Private Hire Driver and his legal representative.

The Sub-Committee considered the decision in private session in order to receive legal advice when determining issues.

The Sub-Committee explored whether the Driver had demonstrated behaviour that brought into question his fitness and propriety to retain his licence and the Sub-Committee had given serious consideration to revoking his licence. It was noted that the DfT Standards would suggest that revocation should be the outcome but the sub-cttee has taken into consideration Driver's previous record and honesty around the allegations.

Upon being put to the Vote a motion put forward by Councillor Noon and seconded by Councillor Vaughan to suspend the driver's licence for a period of 6 Months was carried

RECORDED VOTE: on the motion to suspend the licence

In favour: Councillors Bunday, Vaughan and Noon

Against : Councillor Mrs Blatchford and Vassiliou

**RESOLVED:** that the Sub-Committee suspended the driver's licence for a period of six months. Further, the Sub-Committee resolved that in order to promote and protect

public safety that this suspension should be with immediate effect in accordance with sub section (2B) of section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The Sub-Committee has considered very carefully the report of the Service Director – Transactions and Universal Services and all the evidence presented before it today.

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 has been borne in mind whilst making the decision.

### Reasons for Decision

The Sub-Committee heard and had viewed evidence relating to the use of a mobile ‘phone for a particular journey and was told of other similar journeys with no proper explanation as to why action had not been taken sooner. Additionally there was evidence relating to damage to the rear door handle which had been present for a week or two. The Sub-Committee felt this showed a concerning lack of consideration for passenger safety.

The taxi policy document and guidance clearly indicates that each case will be decided on its own merits and that public safety must be at the forefront when considering taxi matters. Personal circumstances cannot be taken into account.

The Guidance indicates that this should be a revoking matter but taking into consideration the representations made by the driver and his previous good record the sub-cttee felt able to depart from that guidance.

In light of all of the above the Sub-Committee nevertheless felt that the behaviours exhibited warranted serious action and accordingly the determination is to suspend the driver’s licence for a period of 6 months and the suspension must have immediate effect in order to promote and protect public safety.

There is a right of appeal for an aggrieved driver to the Magistrates’ Court. Formal notification of the decision will set out that right in full.