
SOUTHAMPTON CITY COUNCIL
LICENSING (GENERAL) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 12 JULY 2017

Present: Councillors Mrs Blatchford (Chair), Furnell, Painton and Parnell

Apologies: Councillor McEwing

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

The apologies of Councillor McEwing were noted.

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

RESOLVED that the minutes of the meeting held on 8 March 2017 be approved and signed as a correct record.

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

RESOLVED

- (i) that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public were excluded from the meeting in respect of minute 5 based on Categories 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules. The information within the report was exempt as it relates to individual personal details and information held under the Data Protection Act 1998. Having applied the public interest test it was not appropriate to disclose this information as the individuals' legal expectation of privacy outweighs the public interest in the exempt information.
- (ii) that the Sub-Committee move into private session in order to receive legal advice when determining issues. The parties, press and the public, unless otherwise excluded by Category 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules, 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 will be announced.

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

The Sub-Committee considered the suitability of a specific individual to hold a private hire driver's licence.

The Licensing Enforcement Officer, the taxi driver and his Licensing Consultant were present and with the consent of the Chair addressed the meeting.

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

RESOLVED that the driver is a fit and proper person in accordance with LG (MP) A 1976 at this point in time, and warned that any further conviction or complaint shall be considered alongside those matters already on record.

After private deliberation the Sub-committee reconvened and the Chair read the following decision with reasons:-

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 Enforcement Officer, the driver and his representative, including three references.

It has given due regard to the Local Government (Miscellaneous Provisions) Act 1976 “LG (MP) A 1976” and the guidelines relating to the application of the “fit and proper person” test and other consideration of character.

The Sub-Committee considered all the facts and have decided that the driver is a fit and proper person in accordance with LG (MP) A 1976 at this point in time.

Reasons for Decision

The Sub Committee heard evidence relating to convictions for theft and issues relating to the completion of forms submitted to the council. In addition that an offence had not been declared within 14 days of conviction in accordance with the Licence conditions.

Convictions for theft are always considered extremely seriously and it is noted that ordinarily would lead to the revocation of the licence or a licence not being granted for a period of three years from conviction. However, in this case there has been a passage of time that hinders the impact of the usual policy. Whilst the driver might be seen to be benefitting from his own failure to disclose, it cannot be ignored that there are very long periods where he is conviction free and has not attracted a single complaint. In this respect the references carried significant weight in making the determination. It also was apparent from the driver’s evidence that he now understands the full importance of being frank and accurate when providing information to the Licensing Authority.

The Sub-Committee must strongly warn the driver that any further conviction or complaint shall be considered alongside those matters already on record. All convictions may be taken into consideration including spent convictions and in this case the Sub-Committee determined that the spent conviction was relevant and would be taken into account.

The Sub-Committee did consider all of the options available including suspension and revocation but in light of the evidence given by the driver felt that suspension would not be necessary due to the length of time that has passed and clear remorse shown. Revocation was not considered appropriate in this case.