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

Present: Councillors Blatchford, Cooper, Furnell, G Galton and Vaughan

19. **ELECTION OF CHAIR**

RESOLVED: That Councillor Cooper be elected chair

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

RESOLVED: that the minutes for the Sub- Committee meeting on 26 October 2022 be approved and signed as a correct record.

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

22. **PRIVATE HIRE DRIVER'S LICENCE REVIEW**

The Sub-Committee has considered very carefully the report of the Service Director – Communities, Culture and Homes and all the evidence presented today by the Licensing Officers, the driver and his representative, including references submitted 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, in particular two character references supplied by the driver. The Human Rights Act has been borne in mind whilst making the decision.

The Sub-Committee considered all the facts and has decided that the driver is not a fit and proper person in accordance with the Act and therefore his private hire taxi driver licence must therefore be revoked. The Sub-Committee also decided that in the interests of public safety the revocation should be with immediate effect. The reasons for this decision are outlined as follows:

Reasons for Decision

The Licensing Officers addressed the Sub-Cttee highlighting the nature and number of complaints. The Sub-Cttee was referred to the Taxi Policy and guidance around the fit and proper test as it relates to convictions, complaints, and patterns of behaviour. As stated above, the Sub-Committee also took into account two character references that had been provided by the driver.

The Sub-Cttee considered that the driver does not meet the fit and proper test in terms of being able to hold a private hire taxi driver licence and the licence should therefore be revoked.

When questioned about the complaints the driver failed to provide adequate responses which actually addressed the nature of the complaints and the questions put to him

about the complaints. The driver stated that he either couldn't recall the incidents and/or that he didn't have enough information about them in order to comment on them. He also denied all three incidents that led to the complaints being made. The driver with regards to the complaints, did state on more than one occasion that passengers in his taxi are able to leave the taxi at anytime if they feel uncomfortable during the journey and stated that if the complainants did feel uncomfortable then why did they not exit the vehicle there and then. The Sub-Committee considered that this did not indicate that the driver appeared to be particularly concerned for the safety of passengers, as to do what was suggested, could result in passengers being left in a remote location nowhere near to their home during either the day or night with no other transport in place to get them home safely. The Sub-committee considered that the option of leaving the vehicle, as suggested by the driver, was not, in practice, a viable or appropriate option for passengers.

The driver stated that he stopped working with Uber approximately 11 weeks ago, around the time he was suspended by Uber. Sub-Committee noted this was around the same time that the third complaint was received. The driver appeared to have simply moved to working through another taxi company, called Bolt, at the point at which he was suspended by Uber. The driver did not provide details to the Sub-Committee about what steps he had taken to liaise with Uber about the complaints and/or defend himself.

The Sub-Committee considered that it did appear that the driver does engage in sexually explicit conversations with passengers and that he was perhaps naive in terms of what was appropriate and acceptable conversation in a taxi when engaging with members of the public, particularly lone females. Of note, is that each of the complaints, although of a sexual nature, appeared different enough not to be fabricated as the issue of revenge and vexatious complaints was raised by the driver and the representative who attended and assisted him. The driver stated that he does use sexual references in conversations to diffuse awkward situations with passengers.

Taking into account all of the factors discussed at the hearing, the panel considered that the driver does not meet the 'fit and proper' test in order to retain a taxi driver licence.

The driver private hire taxi licence will therefore be revoked and in the interests of public safety that should be with immediate effect and his licence must be surrendered within 7 days.

There is a statutory right of appeal against this decision to the Magistrates' Court within 21 days of formal notification.