

HEAD OF LEGAL, HR & DEMOCRATIC SERVICES

RICHARD IVORY, Solicitor

Southampton City Council

Civic Centre

Southampton SO14 7LT

Direct Dial: 023 8083 2794
Email: richard.ivory@southampton.gov.uk
Please ask for: Mr R J Ivory

Fax: 023 8083 2308
Our ref: RJl/lcb/
Your ref: JAG\MAY967.00001\2352715
Date: 20th January 2012

Lamport Bassitt
Solicitors
DX 38529
Southampton 3

Dear Sirs

RE: KEVIN MAY V SOUTHAMPTON CITY COUNCIL

**IN THE MATTER OF AN APPEAL AGAINST A CONDITION ATTACHED TO A HACKNEY
CARRIAGE VEHICLE LICENCE –
APPEAL, SALISBURY CROWN COURT, 20 & 21 OCTOBER 2011**

Thank you for your letter dated 5th January 2012.

Clearly the Authority is very much aware of the comments of the Court in reaching its decision, which were made despite the Court's own acceptance that it was not in a position to review the Authority's policy (paras 40 – 42 inclusive). Accordingly those comments must be considered in context.

Nonetheless, it is important to stress that the Authority does take the issues you raise particularly seriously and always has done.

Even at the outset the principles of data protection and human rights were very carefully considered - which is precisely why checks and balances were imposed to ensure the safety of recordings and restriction on accessibility – with a very clear policy as to when downloads are permitted and how the data is stored thereafter. In this respect the Authority, in making its decision, has never closed its mind nor failed to pay due regard to those issues, but at that time it was clearly felt that the proposed condition, with the accompanying checks and balances, struck a fair balance between the aims and objectives of public safety, the prevention and detection of crime and the interests of passengers and drivers.

The Authority has never closed its ears to serious and meaningful debate and in the same vein takes the issues you now raise particularly seriously.

You will of course accept that what you propose is an impossible course of action for the Authority to undertake (ie amendment of its policy within 28 days). To do so without proper consultation and the usual formal decision making process would open the Authority to alternative threat of judicial review.

However, in light of your correspondence and the nature of the issues raised I can confirm that officers shall prepare a report to the Licensing Committee proposing a review of the policy and condition following the usual consultation exercise.

2

Lamport Bassitt, Solicitors
20th January 2012

Accordingly, your request and any further representation you may wish to make on the matter shall be given full and proper consideration as a part of proper process.

Yours faithfully

Richard Ivory
Head of Legal, HR & Democratic Services

If you would like this letter sent to you in another format or language, please contact the number at the top of this letter.