
SOUTHAMPTON CITY COUNCIL
LICENSING (GENERAL) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 26 JULY 2023

Present: Councillors M Bunday, A Frampton, Noon, Powell-Vaughan and Windle

Apologies:

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

Following changes to membership of the Licensing Committee at Council on 19th July 2023 Councillor A Frampton now sat as substitute for Councillor A Bundy.

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

The Chair 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 6 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.

RESOLVED: that having applied the public interest test it was not appropriate to disclose this information as the individuals' legal expectation of privacy outweighed the public interest in the exempt information.

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

RESOLVED: that 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, press and the public, unless otherwise excluded by the Council's Access to information Procedure Rules would 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.

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

The Sub-Committee considered the report of the Executive Director – Place, to consider whether the specific individual is a fit and proper person to hold a Private Hire Driver's Licence.

The Licensing Officer and the Private Hire Driver 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.

The Sub-Committee has given due regard to the Local Government (Miscellaneous Provisions) Act 1976 "the Act" and Department for Transport Standards 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, have been borne in mind whilst making the decision.

The Sub-Committee has also considered the Taxi Licensing Policy and in particular the Guidance on Determining the Suitability of Applicants in the Hackney Carriage and Private Hire Trades.

The Sub Committee received legal advice that personal circumstances, including financial implications, could not be taken into account. Legal advice was also provided that the Rehabilitation of Offenders Act 1974 does not apply to taxi drivers.

The Sub-Committee considered all the facts but were not persuaded to deviate from policy.

RESOLVED: that the driver is not a fit and proper person to hold a Private Hire Driver's Licence in accordance with the Act.

Reasons for Decision

The Sub Committee heard from the Licensing Officer that the taxi policy as it related to this application states:

Paragraph 35 – Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Paragraph 36 – Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

The Sub Committee noted that as far as the dishonesty conviction was concerned granting a licence would be within policy. However, the drugs conviction had a penalty of 22 months suspended sentence and so granting a licence would be against policy and that would remain the case until 15th June 2025.

Having heard from the Private Hire Driver in detail, whilst having some sympathy for him, the Sub-Committee was not sufficiently convinced to go outside of policy.

The Sub-Committee noted that the Private Hire Driver in his evidence detailed a number of medical concerns which were under investigation but he had not indicated any such concerns in his application form.

The Sub-Committee would always recommend any applicant to liaise with licensing officers and trade representatives before submitting an application. Where possible it would also recommend seeking to obtain representation at any hearing there may be.

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