

## ITEM NO 4

### LICENSING (GENERAL) SUB - COMMITTEE

#### MINUTES OF THE MEETING HELD ON 14<sup>th</sup> NOVEMBER, 2007

Present:

Councillor Parnell (Chair)  
Councillor Galton (Vice Chair)  
Councillors Blatchford, Cunio and Drake.

26. MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

RESOLVED that the Minutes of the Licensing (General) Sub-Committee meetings held on 26<sup>th</sup> September 2007 be approved as a correct record (Copy of the minutes circulated with the agenda and appended to the signed minutes).

27. MR J BURKE – LICENSING OFFICER

The Sub-Committee noted that Licensing Officer Mr J Burke's health was improving following his recent illness and he was expected to return to work in the new year.

RESOLVED that the Sub-Committee continued to offer its best wishes to Mr Burke.

28. DELEGATED POWERS IN RELATION TO VARIATIONS IN HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

The Sub-Committee considered the report of the Solicitor to the Council seeking approval for officers of Legal Services to vary the conditions on hackney carriages in relation to the colour of the livery (Copy of report circulated with agenda and appended to signed minutes).

RESOLVED that Condition 6.1 of Southampton City Council's Hackney Carriage Vehicle Conditions to allow such vehicles as the Solicitor to the Council considers appropriate, usually being light-coloured vehicles, to be wrapped in white vinyl in order to comply with the current condition which reads: 'The bodywork of all hackney carriages (subject to other conditions herein) shall be white. Standard production components etc fitted by the manufacturer in the course of production, which are not white, will be exempted from this requirement'.

## CONDITIONS FOR PRIVATE HIRE DRIVERS

The Sub-Committee considered the report of the Solicitor to the Council seeking approval for the inclusion of an additional condition for Private Hire Drivers to ensure the notification of any criminal or motoring conviction or any finding of guilt or caution or arrest for any offence to the Licensing Section (Copy of report circulated with agenda and appended to signed minutes).

### RESOLVED

- (i) that an addition to the Private Hire Drivers conditions that any holder of a Private Hire Drivers Licence issued by Southampton City Council must inform the Licensing Section of any criminal or motoring conviction or any finding of guilt or caution or arrest for any offence within two weeks of the conviction or any finding of guilt or caution or arrest; and
- (ii) that authority be delegated to Legal Services to draft the appropriate wording of such a condition in order to achieve the timely disclosure of such matters.

## 30. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that in accordance with the Council's Constitution, specifically the Access to Information Rules contained within the Constitution, the press and public be excluded from the meeting at a predetermined point in the hearing in respect of any consideration of the following matters and specifically in respect of any consideration of Minute No's. 31 and 32 on grounds based on Category 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules because failing to do so would constitute a breach of the Data Protection Act 1998 as well as a breach of a Common Law duty of confidentiality.

## 31. FIT AND PROPER PERSON – CONVICTIONS

The Sub-Committee considered the confidential report of the Solicitor to the Council concerning a review of a private hire driver's licence (copy of report circulated with agenda and appended to signed minutes).

The driver was in attendance together with his wife and, with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Category 4 of Paragraph 10.4 of the Council's Access to Information Procedure Rules.

RESOLVED that the driver in question be allowed to continue to hold a private hire driver's licence, subject to a 14 day suspension to commence on the issue of formal written notice from the City Council's Licensing Officer.

#### REASON FOR DECISION

The Sub-Committee considered all the relevant facts and took the view that it would be appropriate to deviate from the Home Office Guidance in this particular instance.

The driver was advised that this departure from the Home Office Guidelines for determining whether the applicant was a fit and proper person was unusual. The Sub-Committee stressed implications of any further misdemeanours, whether committed in the near future or otherwise.

#### RECOMMENDED

The Sub-Committee also advised the driver in question to seek advice on how to deal with antagonism in the future.

### 32. FIT AND PROPER PERSON – CONVICTIONS

The Sub-Committee considered the confidential report of the Solicitor to the Council concerning a review of a private hire driver's licence (copy of report circulated with agenda and appended to signed minutes).

The driver was in attendance together with a representative of the Transport and General Workers Union and, with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Category 4 of Paragraph 10.4 of the Council's Access to Information Procedure Rules.

RESOLVED that the driver in question be allowed to continue to hold a private hire driver's licence.

## REASON FOR DECISION

Having regard to the Home Office guidelines the Sub-Committee was satisfied that the driver was a fit and proper person to hold a private hire driver's licence but was warned that any further caution or conviction would be viewed very seriously.