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SOUTHAMPTON CITY COUNCIL  
LICENSING (GENERAL) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 8 MARCH 2017

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

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

**RESOLVED** that the minutes of the meeting held on 20 January 2016 be approved and signed as a correct record.

2. **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 be excluded from the meeting and the report treated as confidential in respect of minute 3 based on Categories 1 and 2 of paragraph 10.4 of the Access to Information Procedure Rules. The information within the report is potentially exempt as it relates to individual personal details and information held under the Data Protection Act 1998: and
- (ii) that the Sub-Committee may 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 Category 4 of paragraph 10.4 of the Council's Access to Information Procedure Rules, would be invited to return immediately following that private session at which time the matter would be determined and the decision of the Sub-Committee announced.

3. **HACKNEY CARRIAGE DRIVER'S AND PRIVATE HIRE DRIVER'S LICENCES**

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

The taxi driver and his solicitor 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 both the hackney carriage driver's and private hire driver's licences be revoked.

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 Licensing Manager, the driver and his solicitor.

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 not a fit and proper person in accordance with LG (MP) A 1976 and to revoke both Hackney Carriage and Private Hire Driver’s Licences. Further, that it is in the interests of public safety that this should be with immediate effect in accordance with sub section (2B) of section 61 of the LG (MP) A1976.

### Reasons for Decision

The Sub Committee heard significant evidence relating to a number of complaints over a long period of time in connection with overcharging of passengers. The nature of the complaints are all very similar, but until the latest complaint could not be substantiated. The latest complaint being of such a similar nature and very clearly proved, the Sub Committee finds that the previous complaints are corroborated by these facts. Previous denials were repeated again for this latest complaint however due to the passenger’s tenacity and the ability to download CCTV evidence the matter was proved beyond doubt. This was to the extent that the driver changed his position and presented to the Sub Committee accepting the complaint despite having been so strenuously denied to officers. The Sub Committee finds that it is only the weight of evidence on this latest complaint that has led to the driver’s change in position. In addition to such serious concerns regarding overcharging vulnerable passengers the Sub Committee has heard further evidence such to totally undermine the driver’s credibility before the Sub Committee and whilst providing information to Licensing Officers.

In addition to issues relating to dishonesty and overcharging the Sub Committee has heard very concerning issues relating to maintenance of the vehicle including windows, seats and tyres. The poor state of wear of the tyres was such that the vehicle had to be immediately suspended and may have put passengers at risk. Despite evidence from the driver that wear was on the inside of the tyre it was established during the course of the hearing that the tyres were worn on the outside and this ought to have been immediately apparent on cursory inspection.

In light of all of the above the Sub Committee has no confidence in the driver in dealing with passengers, dealing with Licensing Officers or maintaining his vehicle.

Accordingly the determination is to revoke both driver’s licences and the revocation must have immediate effect in order to promote and protect public safety.

There is a right of appeal for an aggrieved driver to the Magistrates’ Court. Formal notification of the decision will set out that right in full.