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

Present: Councillors Mrs Blatchford, M Bunday, G Galton, Noon and Vassiliou

31. **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 7 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.

32. **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.

33. **PRIVATE HIRE DRIVERS LICENCE REVIEW**

The Sub-Committee has considered very carefully the report of the Executive Director – Place, all of the supporting evidence received prior to the hearing and all of the evidence presented today by the Senior Licensing Officer and the Private Hire Driver and his representative.

The Sub-Committee 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. 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 considered the Drivers history as a licensed driver, the detailed report of the Senior Licensing Officer, and the Licensing policy, in particular the Guidance on Determining the Suitability of Applicants in the Hackney Carriage and Private Hire Trades.

The Sub Committee considered the Human Rights Act 1998 during its deliberation and on legal advice, accepted that personal circumstances, including financial implications, could not be taken into account.

The Sub Committee heard from the Senior Licensing Officer, the Private Hire Driver, his representative and was read a letter from a Unite representative.

RESOLVED that the Sub-Committee has considered all the facts and have decided that the driver is not a fit and proper person in accordance with the Act. Accordingly, the decision is to revoke the Private Hire Drivers Licence and that the revocation should be with immediate effect in accordance with sections 61 (1) (b) and 61 (2B) of the Act respectively.

Reasons for Decision

The Sub Committee heard evidence relating to 6 convictions for speeding and the Private Hire Driver's personal circumstances for which the Sub Committee has sympathy. However, the paramount concern for the Sub Committee is public safety. The policy points raised by the Licensing Officer were pertinent and difficult to ignore.

These state:

Private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not result in action against an existing licence. However, licence holders with multiple motoring convictions may indicate that a licence holder does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

The Sub Committee considered whether a suspension might be suitable in this case but took the view it was not. The policy makes allowance for a one off, unintentional incident but beyond that revocation should be the start point for consideration. Having heard representations from and on behalf of the Private Hire Driver, the Sub Committee did not hear anything which justified departing from the policy.

Speeding offences impact on the safety of all road users including pedestrians and as such it was decided that the decision should have immediate effect in order to promote public safety. This is in accordance with section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.

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.