
SOUTHAMPTON CITY COUNCIL
LICENSING (GENERAL) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 26 OCTOBER 2022

Present: Councillors Bunday (Chair), Cooper, G Galton, Vaughan and Blatchford

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

RESOLVED: that the minutes for the Committee meetings on 31 August 2022 and 5 October 2022 and be approved and signed as a correct record.

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

RESOLVED 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. Having applied the public interest test it is not appropriate to disclose this information as the individuals' legal expectation of privacy outweighs the public interest in the exempt information.

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

RESOLVED that during the consideration of all items 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, will 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

18. **HACKNEY CARRIAGE DRIVER'S LICENCE APPLICATION**

The sub-committee considered the report of the Executive Director for Communities, Culture and Homes to consider whether the applicant is a fit and proper person to hold a Hackney Carriage Driver's Licence.

The Sub-Committee considered very carefully the report of the Service Director – Communities, Culture and Homes and all the evidence presented today by the Licensing Officers, the applicant and his representative, including references submitted at the meeting.

It 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 has been borne in mind whilst making the decision.

It became clear that the applicant had not received the papers until just before the hearing. These had been posted but due to the postal strike an alternative offer for the papers to be collected several days before the hearing was made to the Appellant which he declined. He and his representative were nonetheless happy to proceed.

The Chair made it clear that the whole history of events was relevant and in scope for the Sub-Cttee to consider although the whole case would be looked at with “fresh eyes”.

The Sub-Committee considered all the facts and has decided that the applicant is not a fit and proper person in accordance with the Act and his application for a hackney carriage driver’s licence is refused.

Reasons for Decision

The Licensing Officers addressed the Sub-Cttee highlighting the nature and number of convictions and complaints. The Sub-Cttee was referred to the Taxi Policy and guidance around the fit and proper test as it relates to convictions, complaints, and patterns of behaviour.

The Sub Committee heard evidence from the applicant and his representative that the applicant is hard working, is older and wiser and has therefore changed. Reference was made to a number of the complaints coming from one driver and that they should therefore be discounted.

The Applicant also referred to the fact that his current employment is public facing with a degree of facing disgruntled and frustrated people. He has been in his job for in excess of 7 years with no complaints and a reference was supplied by his employer. It was also stated that the Applicant goes out of his way to assist members of the public, examples being changing wheels of motorists.

Whilst the Sub-Committee very carefully considered all of these points it also took due note of the Crown Court judgement in the papers which made findings of fact in relation to complaints and the applicant’s credibility.

The Sub-Committee was therefore disappointed that the applicant appeared to show a lack of contrition and understanding with regard to his actions. Indeed, he continued to deny many of the issues decided at the Crown Court. The Sub-Cttee was concerned that the Applicant failed to recall some of the incidents and brushed off the seriousness of others.

In light of the clear findings in the Crown Court judgement the Sub-Cttee would have expected the Applicant and his representative to concede the truth of the complaints, provide an explanation for the behaviours and demonstrate why they would not be repeated. As it was no evidence of this was provided.

In the absence of that evidence and in light of the history of convictions, the long list of complaints (including threats of violence and of a racist nature) and clear findings of the Crown Court, the Sub-Committee could come to no other conclusion than to find that the applicant was not fit and proper in accordance with the Act. The Sub-Committee carefully considered the policy and the references from the applicant in doing so.

The Sub-Cttee heard and accepted that references in the policy to time elapsed after a conviction was a minimum period and for a single conviction. Therefore, longer periods

are anticipated where there is a history of complaints and/or offending. Nevertheless, each case must still be considered on its own merits

There is a statutory right of appeal against this decision to the Magistrates' Court within 21 days of formal notification.