
SOUTHAMPTON CITY COUNCIL
LICENSING (GENERAL) SUB-COMMITTEE
MINUTES OF THE MEETING HELD ON 21 SEPTEMBER 2023

Present: Councillors M Bunday, T Bunday, Kenny, Powell-Vaughan and Mrs Blatchford

Apologies: None

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

RESOLVED: that the minutes for the Sub-Committee meetings on 28th June 2023 and 26th July 2023 be approved and signed as a correct record.

9. **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.

10. **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.

11. **PRIVATE HIRE DRIVERS LICENCE REVIEW**

The Sub-Committee considered the report of the Executive Director for Place to consider whether a specific individual is a fit and proper person to hold a Private Hire Drivers Licence.

The Licensing Officer was present and with the consent of the Chair addressed the meeting.

The Private Hire Driver was not present.

The Sub-Committee considered the decision in private session in order to receive legal advice when determining issues.

RESOLVED: that the driver's Private Hire Drivers Licence should 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 Executive Director – Place, all of the supporting evidence received prior to the hearing and all of the evidence presented today by the Licensing Officer. The Private Hire Driver did not attend or submit any evidence. The Sub-Committee heard that the Private Hire Driver did not respond to numerous reminders, and so decided to proceed in his absence.

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 has considered all the facts and have decided that the driver is not a fit and proper person in accordance with the Act and that his licence should be revoked.

Reasons for Decision

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

‘Before a Private Hire Vehicle Driver's Licence is granted or renewed the applicant must satisfy Southampton City Council that he/she is medically fit to drive a private hire vehicle. For this purpose the applicant shall, produce a recent medical certificate to that effect. Thereafter medical certificates shall be produced by applicants on reaching the age of 45,50,55,60,65 years, and annually from 65 years of age onwards;’

In 2018 the Private Hire Driver’s licence was suspended as no medical form had been received. Notice of the suspension was issued and the private Hire Driver provided a medical form the same day and the suspension was then lifted.

On 20th June 2023 the Private Hire Driver’s licence was suspended as no medical form had been received. Notice of the suspension was issued by email to the Private Hire Driver and Uber on that date.

On 11th July 2023 the Private Hire Driver provided a medical form and requested that his suspension be lifted. Upon being advised that the suspension of the Private Hire Driver’s licence had been lifted Uber responded that it had been unaware of the suspension and the private Hire Driver had worked whilst suspended.

On 14th July 2023 the Private Hire Driver attended the Licensing Office for interview and admitted that he had understood the suspension notice and had chosen to work for Uber during the period of his suspension because he was in financial difficulty.

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 was concerned that the Private Hire Driver has failed twice to provide the medical form when required to do so. This, coupled with a lack of engagement with licensing officers and failing to attend today despite numerous reminders, points to a lack of respect for the licensing regime, and puts members of the public at risk in the event of an unknown medical condition. He now has a significant track record of failing to comply with the conditions of his licence.

They were further concerned about the fact that the Private Hire Driver continued to drive for Uber while his licence was suspended. The Private Hire Driver has shown that he does not take his responsibilities seriously, in taking passengers when his licence is suspended and when his insurance is potentially under question.

The Private Hire Driver has failed to comply with the licensing process by not supplying medical certification when required, not abiding by the terms of his suspension, and not attending today. Because he has failed to comply with these, the Sub-Committee feels that revocation is the only option to protect the public.

As suspension is not considered appropriate and the sub-committee has concerns about how seriously he takes his obligations, the sub-committee decided to revoke his licence.

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.