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SOUTHAMPTON CITY COUNCIL  
LICENSING (GENERAL) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 14 FEBRUARY 2024

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Present: Councillors Mrs Blatchford, M Bunday, Kenny, Moulton and Noon

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

**RESOLVED:** that the minutes for the Sub-Committee meetings held on 11 October 2023 and 22 November 2023 be approved and signed as a correct record.

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

**RESOLVED** that at a predetermined point during the consideration of all items, the Sub-Committee move into private session in order to receive legal advice when determining issues. Following that private session, at which time the matter will be determined, the decision of the Sub-Committee will be published.

21. **COMMITTEE HEARING TO CONSIDER TO SUSPEND OR REVOKE PRIVATE HIRE OPERATOR LICENCE(S)**

The Sub-Committee 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 by the Licensing Team and on behalf of the Operator on the day.

The Sub-Committee gave 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, were borne in mind whilst making the decision.

The Sub-Committee 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.

**RESOLVED** that the Sub-Committee considered all the facts but were not persuaded that the operator was currently fit and proper, and the operator licence should therefore be revoked.

Reasons for Decision

The Sub-Committee received substantial written evidence including a supplementary bundle and heard from a number of witnesses and spent a considerable time in reaching its decision.

The Sub-Committee was concerned about the number of complaints against the operator over a period of time culminating in a second instance of allowing a private hire vehicle to be used when unlicensed. On the previous occasion the operator had received a warning and demonstrated a system to the Licensing Officers which ensured there could be no repeat.

Unfortunately, the system failed and there was a repeat. Whilst the Sub-Committee listened to the reasoning for the failure it had to consider its duty to public safety.

The Sub-Committee heard evidence of new systems and policies put in place by the operator but examples of these systems and policies were not before the Sub-Committee. There was a concern that these systems were new and untested over a period. This seemed to demonstrate a mindset of bringing in personnel to resolve problems rather than have suitable policies in place before expansion.

The answers provided by the operator's witnesses about the work culture and safeguarding were unsatisfactory in that they did not properly address the issues that had arisen.

The Sub-Committee was also concerned at the lack of liaison between the operator and the Licensing team in that Licensing were hearing of issues through complaints rather than from the operator. This included the two incidents of the use of unlicensed vehicles.

The director of the operator when interviewed in December by the Licensing team was unable to provide answers to many of the questions raised but did offer to then correct a system failure, which had been known about since at least August 2023. This seemed to demonstrate that the operator would only react when absolutely necessary rather than take proactive actions. This was a concern.

The history of complaints was played out at the hearing and although there were concerns around safeguarding allegations and Equality Act issues, fundamentally the operator had allowed a private hire vehicle to be used when unlicensed for a second time.

There is a statutory right of appeal against this decision to the Magistrates' Court. Formal notification of the decision will set that out in full.