

*Please ask for:*

Catherine McDonald

*Direct dial:*

(023) 9254 5340

*Fax:*

(023) 9254 5587

*E-mail:*

catherine.mcdonald@gosport.gov.uk

9 November 2007

## **S U M M O N S**

**MEETING:** Licensing Board  
**DATE:** 19 November 2007  
**TIME:** 6.00pm  
**PLACE:** Committee Room 1, Town Hall, Gosport  
**Democratic Services contact:** Catherine McDonald

LINDA EDWARDS  
BOROUGH SOLICITOR

---

### **MEMBERS OF THE BOARD**

Councillor Mrs Cully (Chairman)  
Councillor Farr (Vice Chairman)

Councillor Ms Ballard	Councillor Foster-Reed
Councillor Carter	Councillor Jacobs
Councillor Champion	Councillor Rigg
Councillor Davis	Councillor Smith
Councillor Foster	Councillor Ward

The Mayor (Councillor Gill) (ex officio)  
Chairman of Policy and Organisation Board (Councillor Cully) (ex-officio)

### **FIRE PRECAUTIONS**

(To be read from the Chair if members of the public are present)

**In the event of the fire alarm (continuous ringing) or controlled evacuation alarm (intermittent ringing) sounding, please leave the room immediately.  
Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.**

**IMPORTANT NOTICE:**

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

**NOTE:**

- i. Members are requested to note that if any member wishes to speak at the Board meeting then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

AGENDA

RECOMMENDED  
MINUTE  
FORMAT

**PART A ITEMS**

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST

*All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.*

3. MINUTES OF THE MEETING OF THE BOARD HELD ON 4 SEPTEMBER 2007 [copy herewith].
4. DEPUTATIONS – STANDING ORDER 3.5

*(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Friday, 15 November 2007. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

*(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Friday, 15 November 2007).*

6. ANY OTHER ITEMS

*Which by reason of special circumstances the Chairman determines should be considered as a matter of urgency*

**Continued next page**

7. EXCLUSION OF PUBLIC

To consider the following motion:

**RECOMMENDATION:**

That in relation to the following items the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of exempt information within Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the reports.

**PART B ITEMS  
FOLLOWING THE EXCLUSION OF PRESS AND PUBLIC**

Item No.	Item	Paragraph no. of Part I of Schedule 12A of the Act	
8.	Application for the issue of a Hackney Carriage Vehicle Drivers Licence.	Paragraph 1 <b>Reason:</b> The report identifies sensitive material regarding the applicant as provided by the Criminal Records Bureau.	PART II Contact Officer: Clive Tizard Licensing Officer Ext 5609
9.	Review of a Hackney Carriage Vehicle Drivers Licence.	Paragraph 1 <b>Reason:</b> The report identifies sensitive material regarding the applicant as provided by Hampshire Constabulary and the South East Hampshire Magistrates Court	PART II Contact Officer: Clive Tizard Licensing Officer Ext 5609

## **A MEETING OF THE LICENSING BOARD**

**WAS HELD ON 4 SEPTEMBER 2007**

### **Councillors**

The Mayor (Councillor Gill) (ex officio), Chairman of the Policy and Organisation Board (Councillor Cully) (ex-officio); Councillors Ms Ballard (P), Carter (P), Champion (P), Mrs Cully (P), Davis (P), Farr (P), Foster, Foster-Reed (P), Jacobs (P), Rigg, Smith (P) and Ward.

It was reported that, in accordance with Standing Orders, notice had been received that Councillors Allen and Clinton would replace Councillors Foster and Ward respectively for this meeting.

### **Also in attendance**

Mr Gibson, Mr Long and Mr McCormick

### **20 APOLOGIES**

Apologies for inability to attend the meeting were submitted on behalf of the Mayor and Councillors Foster and Ward.

### **21 DECLARATIONS OF INTEREST**

Councillor Smith declared a personal interest in Agenda Item 9 as the applicant was known to him.

### **22 MINUTES**

RESOLVED: That the Minutes of the meeting of the Licensing Board held on 2 July 2007 be approved and signed by the Chairman as a true and correct record.

### **23 DEPUTATIONS**

There were no deputations.

### **24 PUBLIC QUESTIONS**

There were no public questions.

## PART II

### 25 GAMBLING ACT 2005

Consideration was given to a report of the Borough Solicitor (a copy of which is inserted in the Minute Book as Appendix 'A') updating members on the implementation of the Gambling Act 2005 and seeking approval for the Procedures for Dealing with Applications under the Gambling Act 2005 and the Procedure for Hearings under the Gambling Act 2005 and the delegation of certain functions for the Licensing Board to officers.

Members were advised that there was a revision to the recommendation in the report in that where reference had been made to the Head of Environmental Health (Commercial) it should refer only to the Head of Environmental Health.

Members congratulated officers on their hard work formulating the Procedures for Dealing with Applications under the Gambling Act 2005.

Reference was made to the late withdrawal by the Police of objections to applications made under the Licensing Act 2003 that had led to a waste of Licensing Officers' time. Assurance was sought that similar problems would not occur with applications made under the Gambling Act 2005.

The Licensing Officer advised Members that, since 2005 when the Licensing Act was first introduced, Hampshire Constabulary had been restructured. A local District Commander with the rank of Chief Inspector had been appointed who would liaise directly with the dedicated Licensing Unit created as a result of the restructuring.

RESOLVED: That:-

- i. the Procedures for dealing with Applications under the Gambling Act 2005 shown at Appendix A of the report of the Borough Solicitor be approved;
- ii. the Procedure for Hearings under the Gambling Act 2005 shown at Appendix B of the report of the Borough Solicitor be approved for use by the Licence Authority in the determination of applications;
- iii. the functions and powers set out in paragraphs 2.9 – 2.14 inclusive of the report of the Borough Solicitor be delegated to the Head of Environmental Health and confirmation be given that the functions and powers set out in Appendix A of the Council's Statement of Principles – Gambling Act 2005 be delegated to the Licensing Sub-Board and Head of Environmental Health as set out in Appendix A of the Statement of Principles – Gambling Act 2005;
- iv. the arrangements for Sub-Boards set out in paragraph 2.15 – 2.16 of the report of the Borough Solicitor be approved; and
- v. the function and power set out in paragraph 2.11 be delegated to the Borough Solicitor in consultation with, where the determination was made

by the Sub-Board, the Chairman of that Sub-Board, or where the determination was made by the Head of Environmental Health, in consultation with him.

## **26 EXCLUSION OF THE PUBLIC**

RESOLVED: That in relation to the following items the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of exempt information within Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the reports.

## **27 APPLICATION FOR THE ISSUE OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE**

Councillor Smith declared a personal interest in this item but remained in the room for the duration of the discussion.

Consideration was given to an exempt report of the Environmental Services Manager (a copy of which is inserted in the Minute Book as Appendix 'B') advising the Board of an application for the issue of a Private Hire Vehicle Driver's Licence.

The report was exempt from publication as the public interest in maintaining the exemption outweighed the public interest in disclosing the information by reason that it contained personal information that was not considered appropriate to be released to the public.

RESOLVED: That the application for the issue of a Private Hire Vehicle Driver's Licence be approved.

## **28 APPLICATION FOR THE ISSUE OF A HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCE**

Members were advised that this item had been withdrawn.

## **29 APPLICATION FOR THE ISSUE OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE**

Consideration was given to an exempt report of the Environmental Services Manager (a copy of which is inserted in the Minute Book as Appendix 'D') advising the Board of an application for the issue of a Hackney Carriage Vehicle Driver's Licence.

The report was exempt from publication as the public interest in maintaining the exemption outweighed the public interest in disclosing the information by reason that it contained personal information that was not considered appropriate to be released to the public.

RESOLVED: That the application for the issue of a Private Hire Vehicle Driver's Licence be approved with the proviso that, should the applicant be convicted of drink driving in the future, the Board would not consider a further application for a Private Hire Vehicle Driver's Licence.

The meeting commenced at 6.00 pm and concluded at 7.02pm.

CHAIRMAN