

*Please ask for:*

Lisa Young

*Direct dial:*

(023) 9254 5651

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8 October 2012

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

**MEETING:** Licensing Board  
**DATE:** 16 October 2012  
**TIME:** 6.00pm  
**PLACE:** Council Chamber, Town Hall, Gosport  
**Democratic Services contact:** Lisa Young

**Please note:** Confidential Documents referred to in the Private Hire Driver Application Reports in advance of the meeting by arrangement with Russell Bray, Senior Licensing Officer, Ext 5553 during office hours

*Linda Edwards*

LINDA EDWARDS  
BOROUGH SOLICITOR

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### **MEMBERS OF THE BOARD**

The Mayor (Councillor Dickson) (ex officio)  
Chairman of P & O Board (Councillor Hook) (ex officio)

Councillor Beavis (Chairman)  
Councillor Allen (Vice Chairman)

Councillor Ms Ballard	Councillor Jacobs
Councillor Carter C K	Councillor Mrs Morgan
Councillor Mrs Cully	Councillor Murphy
Councillor Ms Diffey	Councillor Scard
Councillor Hazel	Councillor Mrs Wright

### **FIRE PRECAUTIONS**

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

**In the event of the fire alarm sounding, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, following 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. Councillors are requested to note that, if any Councillor who is not a Member of the Board 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 reminded to declare, at this point in the meeting or as soon as possible thereafter, any disclosable personal interest in any item(s) being considered at this meeting.

3. MINUTES OF THE MEETING OF THE BOARD HELD ON 4 SEPTEMBER 2012 (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 12 October 2012. 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 12 October 2012).

6. REQUEST FOR A PRIVATE HIRE VEHICLE TO BE ALLOWED TINTED WINDOWS

*The report advises the Licensing Board of a request for a Private Hire Vehicle, licensed by Gosport Borough Council to have tinted rear passenger windows*

PART II  
Contact  
Officer  
R Bray  
Ext. 5553

7. ANY OTHER BUSINESS

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

8. EXCLUSION OF PUBLIC

To consider the following motion:

That in relation to the following item 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

Licensing Board  
16 October 2012

members of the public were present during this item 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 report.

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

Item No.	Item	Paragraph no.1 of Part I of Schedule 12A of the Act	
9.	Application for the grant of a Hackney Carriage driver's licence	Paragraph 1 The report contains personal data which is identified as sensitive material.	PART II Contact Officer R Bray Ext. 5553

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

### **WAS HELD ON 4 SEPTEMBER 2012**

The Mayor (Councillor Dickson), Chairman of the Policy and Organisation Board (Councillor Hook) , Councillors Allen, Ms Ballard (P), Beavis (Chairman) (P), Carter CK, Mrs Cully (P), Ms Diffey (P), Hazel (P), Jacobs (P), Mrs Morgan (P) Murphy (P), Scard (P) and Mrs Wright (P).

#### **25. APOLOGIES**

Apologies for inability to attend the meeting were submitted on behalf of the Mayor and Councillors Allen and Carter CK.

#### **26. DECLARATIONS OF INTEREST**

There were none.

#### **27. MINUTES**

RESOLVED: That the Minutes of the meeting of the Licensing Board held on 17 July 2012 be approved and signed by the Chairman as a true and correct record.

#### **28. DEPUTATIONS**

There were none.

#### **29. PUBLIC QUESTIONS**

There were none.

### **PART II**

#### **30. REVISED FAREHAM AND GOSPORT STATEMENT OF PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005**

Consideration was given to a report of the Community and Customer Services Manager requesting that the Licensing Board give consideration to the Revised Fareham and Gosport Statement of Principles issued under the Gambling Act 2005, which the Council was required to publish every three years, for use in connection with applications/reviews under the Gambling Act 2005 ("Statement of Principles").

The Licensing Officer confirmed to the Board the proposed amendments and provided clarification on the additional paragraph relating to small lotteries.

In answer to a Member's question, the Licensing Officer advised that fixed betting terminals were located in licensed betting shops and were controlled by the Gambling Commission. In the event that there were any issues

surrounding such terminals, compliance managers could be consulted.

RESOLVED: That the Revised Fareham and Gosport Statement of Principles issued under the Gambling Act 2005, which forms part of the report of the Community and Customer Service Manager be recommended to the Full Council for adoption for licences and permits issued under the Gambling Act 2005.

### **31. 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 this 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 exemptions outweighs the public interest in disclosing the information, for the reasons set out in the reports.

### **32. APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE.**

Consideration was given to an exempt report of the Community and Customer Services Manager advising the Board of an application for the granting of a Private Hire Vehicle Driver's Licence.

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

### **33. APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE.**

Consideration was given to an exempt report of the Community and Customer Services Manager advising the Board of an application for the granting of a Private Hire Vehicle Driver's Licence.

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

The meeting ended at 7.15 p.m.

CHAIRMAN

## AGENDA ITEM NO. 6

<b>Board/Committee:</b>	<b>Licensing Board</b>
<b>Date of Meeting:</b>	<b>16 October 2012</b>
<b>Title:</b>	<b>Request for a Private Hire Vehicle to be Allowed Tinted Windows</b>
<b>Author:</b>	<b>Customer &amp; Community Services Manager</b>
<b>Status:</b>	<b>FOR DECISION</b>

### **Purpose**

The report advises the Licensing Board of a request for a Private Hire Vehicle, licensed by Gosport Borough Council to have tinted rear passenger windows

### **Recommendation**

That the Licensing Board determines the request to have tinted rear passenger windows on an existing Private Hire Vehicle.

## **1 Background**

- 1.1 Gosport Borough Council as a licensing authority under the Local Government (Miscellaneous Provisions) Act 1976 is responsible for licensing Private Hire Vehicles. Private Hire Vehicle Licenses may be granted in accordance with the Gosport Borough Council's Private Hire and Hackney Carriage conditions.

## **2 Report**

- 2.1 An application for a Private Hire Vehicle license was received from Mr Paul Skittlethorpe on 22 August 2012 (attached as Appendix A) and was accompanied with a supporting letter (attached as Appendix B). The vehicle for which the application relates to is a BMW 730 LD and has been granted a Private Hire Vehicle License which will expire on 22 August 2013. Mr Skittlethorpe has requested and been granted an exemption under section 75(3) Local Government (Miscellaneous Provisions) Act 1976 from displaying the external and internal license plates as the vehicle is used exclusively for executive hire and Mr Skittlethorpe has signed an agreement (attached as Appendix C) to confirm that he will not operate the vehicle as a "standard" Private Hire Vehicle in the Borough of Gosport
- 2.2 The vehicle meets all the criteria as laid down in the Gosport Borough Council Hackney Carriage and Private Hire Conditions for initial applications. The vehicle has factory fitted tinted rear passenger windows, but Mr Skittlethorpe would like to have

additional tinting applied to the rear windows to afford greater privacy for his clients. The law relating to tinted windows only affects the windscreen and front driver and passenger windows, the rear windows are excluded, an extract from the Direct Gov website detailing this is attached as Appendix D.

- 2.3 Gosport Borough Council Hackney Carriage and Private Hire Conditions, Revised July 2008 Condition 3(xi) states, “tinted windows which prevent clear vision into the vehicle are not permitted except for stretched limousines (or in exceptional circumstances)”
- 2.4 Should the Licensing Board be minded to grant this request the vehicle will continue to operate as a Private Hire Vehicle exempted from displaying licensing plates and the vehicle will be operating outside the Borough of Gosport.

### **3 Risk Assessment**

- 3.1 Any deviations from the Council's stated conditions may bring the Council's decision making process into question and devalue the Gosport Borough Council adopted the revised Hackney Carriage and Private Hire Conditions, Revised July 2008 .
- 3.2 If the Council were to refuse the request for the vehicle to have tinted rear passenger windows, the vehicle would still operate as a licensed Private Hire Vehicle outside the Borough of Gosport but the lack of privacy may have a detrimental effect on Mr. Skittlethorpe's business due to the loss of some clients.

### **4 Conclusion**

- 4.1 The Council has adopted conditions to ensure the safety of the travelling public in both Hackney Carriage and Private Hire vehicles in the Borough.


<b>Financial Services comments:</b>	
<b>Legal Services comments:</b>	<p>The applicant has a right of appeal to the Magistrates' Court in respect of a refusal by the licensing board to grant his application to have tinted rear passenger windows on his existing licensed Private Hire Vehicle.</p> <p><b>The Human Rights Act 1998</b></p> <p>The procedures adopted by the Board in determining the application for a Private Hire driver's licence are believed to comply with Article 6, the right to a fair trial. A formal appeal procedure against the</p>



	Board's determination is provided via the Magistrate's Court.
<b>Crime and Disorder:</b>	None
<b>Equality and Diversity:</b>	Compliant
<b>Service Improvement Plan implications:</b>	none
<b>Corporate Plan:</b>	n/a
<b>Risk Assessment:</b>	n/a
<b>Background papers:</b>	none
<b>Appendices/Enclosures:</b>	
Appendix 'A'	Application Form
Appendix 'B'	Request for Vehicle to have tinted windows
Appendix C	Exemption from displaying license plates
Appendix D	Extract from direct.gov.uk
<b>Report author/ Lead Officer:</b>	C Tizard

## Appendix A

402128



**BOROUGH OF GOSPORT**  
**ENVIRONMENTAL HEALTH SERVICES**

**APPLICATION FOR (\*GRANT/RENEWAL OF) PRIVATE HIRE VEHICLE LICENCE FOR THE YEAR ENDING \_\_\_\_\_**  
 \*I/We, the undersigned, hereby make application for (the renewal of) a private hire vehicle licence in respect of the under mentioned vehicle:

**1. PARTICULARS OF VEHICLE**

Registration No. P111 SNT Make and Model BMW 730LD Plate No. \_\_\_\_\_  
 Engine Capacity 2997 cc Colour SILVER Body Type SALOON  
 Number of Seats (excluding driver) 4 Date of First Registration \_\_\_\_\_  
 (Full date from registration book must be quoted)

Address (es) of every place where the private hire vehicle is kept when not in use:  
23 MARINE PDE WEST, FLAT 12, LEE ON SOLENT  
HANTS PO13 9LN

**2. OWNERS/KEEPERS**

a) Full name of applicant who must be the owner or part owner of the vehicle PAUL SKITTLETHORPE  
 Address/Registered Office AS ABOVE Post Code \_\_\_\_\_  
 Tel No. 07877 187698 Date of Birth 160962 Private Hire badge number (if applicable) 77

Please confirm that you are an EU citizen or Non EU citizen with permission to work in the UK YES ☒

b) The full name and address of every proprietor (not sharing in a) above), including a part proprietor of the vehicle or any person concerned in the keeping, employing or letting for hire of the vehicle and in relation to a vehicle which is the subject of a hiring or a hire purchase agreement, the person in possession of the vehicle must be provided.

NAME	ADDRESS/REGISTERED OFFICE	DATE OF BIRTH	PRIVATE HIRE BADGE NO.

c) If a limited or leasing company is stated in a) or b) above please state:

DIRECTOR/SECRETARY/PARTNER	ADDRESS/REGISTERED OFFICE	DATE OF BIRTH

**3. PARTICULARS OF INSURANCE**

Name and Address of Insurance Company TRADEX HOUSE VICTORY HOUSE  
7 SELSDON WAY, ISLE OF DOGS, E14 9GL  
 Policy Number L1LF/MTX/0192966 Cover Note Number \_\_\_\_\_  
 Date of Expiry 20 SEP 2012

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22 AUG 2012

Issue No 05 06012011

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## 4. MOTORING OFFENCES

- a) Has any person mentioned in 2 a), b) or c) been convicted of any offence of driving under the influence of drink or drugs; driving or attempting to drive with an undue proportion of alcohol in the blood; failure to provide a specimen of blood or urine for a laboratory test after driving or attempting to drive a motor vehicle; aiding and abetting another in one of these offences:

Answer YES or NO NO If yes please give details

COURT	OFFENCE	DATE OF CONVICTION	CONVICTION

- b) Has any person in 2 a), b), or c) been convicted of any motoring offence for which they received an endorsement or penalty points on disqualification.

Answer YES or NO YES if yes please give details

COURT	OFFENCE	DATE OF CONVICTION	CONVICTION

FAILING TO NOTIFY DRIVE

- c) Are any person(s) presently disqualified from holding or obtaining a driving licence? Answer Yes or No. If yes please give details.

Court \_\_\_\_\_ Date of disqualification imposed \_\_\_\_\_

Period of Disqualification NA

## 5. CRIMINAL CONVICTIONS

Has any person mentioned in 2 a), b) or c) been convicted of any criminal offence not referred to in part 4. All offences must be declared.

COURT	OFFENCE	DATE OF CONVICTION	CONVICTION (include suspended sentence)
	<u>NA</u>		

## 6. PENDING PROSECUTIONS

Are there any prosecutions pending against you (motoring or otherwise)? If yes please state.

ALLEGED OFFENCES	COURT	DATE OF NEXT COURT HEARING
	<u>NA</u>	

- I/We also undertake to keep the above-mentioned vehicle in a completely road worthy condition.
- I have received a copy of the Gosport Borough Council Hackney Carriage and Private Hire Conditions and Penalty Points Scheme.

Signature(s) of Owner(s) [Signature]

Address(s) \_\_\_\_\_

Date 22/8/2012

Gosport Borough Council is required under section 2A of the Audit Commission Act 1998 to participate in the National Fraud Initiative (NFI). This is an exercise that matches electronic data within and between audited bodies to prevent and detect fraud. This includes police authorities, fire and rescue authorities as well as local councils. All Taxi licence data will be provided to the Audit Commission for NFI and will be used for cross-system and cross authority comparison.

Please return to: Environmental Health, Gosport Borough Council, Town Hall, Gosport, PO12 1EB

## OFFICE USE ONLY:

Date Application Received	<u>22/8/12</u>	Ref No	<u>12/00669/PHYLIC</u>
Amount & Type (eg cash, cheque, card)	<u>251</u>	Receipt No	<u>011 36894</u>
Engineers report received	<u>22/8/12</u>	Insurance received	<u>22/8/12</u>
Expiry Date of Licence	<u>22/8/13</u>	Expiry Date of Insurance	<u>22/8/12</u>
Date Licence Issued	<u>22/8/12</u>	Date Plates Issued	<u>22/8/12</u>

## Appendix B

Mr P Skittlethorpe  
23 Marine Parade west  
Flat 12  
Lee on The Solent  
Hants  
PO13 9LN

Borough of Gosport  
Environmental Health Services  
Town Hall  
Gosport  
Hants

22<sup>nd</sup> August 2012

### Dispensation To Display Private Hire Plate on Vehicle P111 SKT

I would like to apply for dispensation to display my private hire vehicle plate on vehicle P111 SKT. The reason I would like to do this is because my client require vehicles that are unmarked, all my clients are based out of the area so therefore I don't pick up within the area and there would be no confusion whether it was a private hire vehicle to members of the public.

I would also like permission to add privacy glass to the rear windows as 1 of my clients requires this for his added security when he is in the UK.



Yours Sincerely

Paul Skittlethorpe

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22 AUG 2012



## Appendix C



Town Hall, High Street, Gosport, Hampshire, PO12 1EB.

**Mr P Skittlethorpe**  
**Flat 12 Victory Court**  
**23 Marine Parade West**  
**Lee-on-the-Solent**  
**PO13 9LN**

*Please ask for:*

**R Bray**

*Direct dial:*

**(023) 9254 5503**

*Fax:*

**(023) 9254 5360**

*E-mail:*

**ehs@gosport.gov.uk**

*My Ref:* 12/00669/PHVLC

*Your Ref:*

**August 22 2012**

Dear Mr Skittlethorpe

**DISPENSATION NOTICE UNDER SECTION 75(3) LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT 1976**

**Vehicle Make: BMW 730**  
**Vehicle Registration Number: P111 SKT**  
**Private Hire Plate Number: 413**

Gosport Borough Council hereby gives notice in pursuance of section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 to permit the removal of the private hire license plate for the above vehicle.

Gosport Borough Council hereby gives notice the requirement to display "Pre-booking only" stickers, 2.5 centimetres (1 inch) in height, should be displayed on each of the passenger doors is waived.

Gosport Borough Council additionally waives the requirement that the driver has to wear a private hire driver's badge provided by the Council in such a position and manner to be plainly and distinctly visible. However the driver shall be in possession of the private hire driver's badge when operating the vehicle and must be able to produce a private hire driver's badge on request from a Police Officer or an authorised officer of the Council.

The above permitted exemptions shall only apply during such times, and upon the condition that, the said vehicle is being driven at the time by a licensed private hire driver and is being used to provide chauffeur and executive hire service.

Chief Executive: Ian Lycett

**Housing Services Unit: Kim Carron – Housing Services Manager**  
**Switchboard Telephone Number: (023) 9258 4242**  
**Britdoc Number: DX136567 Gosport 2 Website: [www.gosport.gov.uk](http://www.gosport.gov.uk)**



Gosport Borough Council is committed to equal opportunities for all.

**This document can be provided in large print, on CD or  
tape, in Braille or in other languages, please ask.**

*Delivering  
for Gosport*

**NOTE:** At all other times the vehicle license plate must be displayed and "Pre-booking only" stickers, 2.5 centimetres (1 inch) in height, should be displayed on each of the passenger doors in accordance with Gosport Borough Councils Hackney Carriage & Private Hire Conditions. See Condition 15 & 32.

These exemptions may be revoked or suspended by Gosport Borough Council if, at any time, there is evidence that the vehicle is being used for regular private hire or short haul bookings.

This notice shall be in force from **22 August 2012 to 22 August 2013** unless previously revoked or suspended by Gosport Borough Council as aforesaid.

**It is a condition of these exemptions that the original external private hire vehicle plate is carried in the boot of the vehicle and is available for inspection if asked by a Police Officer to an authorised Council officer.**

**In addition, a copy of this Notice of Exemptions should be kept in the vehicle and available for inspection if asked by a Police Officer to an authorised Council officer.**

The Notice of Exemption process requires you to sign and return the both copies of this letter to indicate that you accept the terms of this Notice and that you agree to be bound by them. When both copies of the letter are received, back at the Council, the Head of Environmental Health will countersign both copies. One copy will be returned back to you. The second copy will be retained with your vehicle file.

**THIS NOTICE OF EXEMPTION WILL ONLY COME INTO FORCE WHEN YOU ARE IN POSSESSION OF A COPY OF THIS LETTER PROPERLY SIGNED AND DATED BY THE HEAD OF ENVIRONMENTAL HEALTH.**


Yours sincerely,



R BRAY  
SENIOR LICENSING OFFICER

1. Signed..........Date 23/8/12  
P.P. Authorised by Head of Environmental Health

2. I am in agreement with the Terms of this Notice for the removal of the Private Hire License Plate from the above vehicle and the requirements to display "Pre-booking only" stickers on each passenger door and to wear a Private Hire Driver's badge are waived.

  
Signed: Mr Paul SKITTLETHORPE

.....Date 23/8/12.....

## Appendix D

Extract from [direct.gov.uk](https://www.direct.gov.uk)

### Tinted vehicle windows - the rules



If you have a vehicle that has heavily tinted windows in the front, you are risking prosecution by the police. The windows that must have the correct amount of tint are the front windscreen and the two windows to either side of the driver.

#### The windows that matter

The law requires that the windows on the vehicle allow at least:

- 75 per cent of light through the front windscreen
- 70 per cent of light through the front side windows

In most modern vehicles there is a slight tint added to the windows when they are made. If you add any more tint it's likely to result in the windows failing to meet the legal requirements.

**The rules on tinted windows don't apply to the rear windscreen or the rear passenger windows.**