

A MEETING OF THE LICENSING BOARD

WAS HELD ON 16 OCTOBER 2012

The Mayor (Councillor Dickson), Chairman of the Policy and Organisation Board (Councillor Hook) , Councillors Allen (P), 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).

34. APOLOGIES

An apology for inability to attend the meeting was submitted on behalf of the Mayor

35. DECLARATIONS OF INTEREST

There were none.

36. MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing Board held on 4 September 2012 be approved and signed by the Chairman as a true and correct record.

37. DEPUTATIONS

There were none.

38. PUBLIC QUESTIONS

There were none.

PART II

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

Consideration was given to a report of the Community and Customer Services Manager advising the Licensing Board of a request for a Private Hire Vehicle, licensed by Gosport Borough Council to have tinted rear passenger windows.

The Board were advised that Mr Skittlethorpe offered an executive hire service and that a number of his customers were from outside the UK and expected a greater level of security screening and privacy.

The Board were advised of the existing requirements in relation to privacy glass on the front windows and windscreen of vehicles but it was confirmed that there were no restrictions on tinting rear windows.

RESOLVED: That the Mr Skittlethorpe's request for his Private Hire Vehicle,

licensed by Gosport Borough Council to have tinted rear passenger windows be approved.

40. ANY OTHER BUSINESS

The Chairman advised the Board that an appeal had been submitted to the Magistrates court against the refusal of a recent application by Mr Gibson to license two of his vehicles under exceptional conditions as they were more than eight years old.

In the case of the two vehicles, the Magistrates were satisfied by the service records and evidence provided by Mr Gibson as to the mechanical condition of the vehicles.

In their reasons the Magistrates accepted the need for the Council to have a policy for protection of the travelling public. The Council has considered Portsmouth Magistrates Court's decision, the legislation controlling Licensing Private Hire Vehicles and the Council's own Hackney Carriage and Private Hire Conditions Policy. The legislation emphasises the safe and comfortable transportation of the public and those criteria are reflected in the Council's conditions. A vehicle over 8 years old submitted to be licensed shall have as a prerequisite evidence of a detailed and mechanical and service history for the vehicle and in addition the Licensing Officer will check in great detail the safety and comfort afforded by the vehicle. If the Licensing Officer is satisfied that the vehicle in question is safe and comfortable to be in public service then their recommendation to the Board will always be that the application is approved. It is then a matter for the Board in its absolute discretion, having regard to the safety and comfort of the travelling public; whether to follow the recommendation to approve the application, or, refuse the application with reasons as to why the Board is not satisfied that the vehicle is safe and comfortable to be in public service.

When a licence for a vehicle over 8 years old is granted the owner must maintain the exceptional level of safety, comfort and mechanical condition for the duration of the Licence and will be monitored through the 4 monthly mechanical inspections of the vehicle.

Whilst the policy regarding the age of the vehicle shall remain in place, in future, we shall continue to consider each application on its own merit but not rely on the age criteria alone i.e use that in conjunction with the safety and comfort criteria.

The Board were advised that a review of the licensing legislation would take place in 2013 and would be covering taxi and private hire conditions.

It was confirmed that there had not been any additional applications for licensing vehicles over 8 years old under exceptional circumstances.

It was also confirmed that the Board had not been shown the independent engineers report as it had not been available as the vehicle had only been

independently examined on the Friday before the Licensing Board had taken place and as a result the paperwork had not yet been available.

The Board were advised that Mr Gibson had not appealed to the Magistrates in relation to the third application he had made to the Board.

The Board were advised that under Environmental Services partnership with Fareham Borough Council, the 4 monthly vehicle checks could be carried out independently at their depot.

Members requested that a copy of the independent assessment of the vehicles be made available to them and agreed with the recommendations in the Chairman's briefing to the Board.

The meeting ended at 6.22 p.m.

CHAIRMAN