

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
MONDAY, 24 SEPTEMBER 2007 AT 10.00 A.M.
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

Bennett, K.L. (Chairman)
Butler, R.D. (Vice-Chairman)

Allen, F.W.C.	Davies, D.N.
Ansell, Mrs. P.A.	Freeman, M.P.
Burnett, J.	Holder, M.J.
Carr, I.R.	

(Apologies for absence were received from Councillors R. Easton, Mrs. P.Z. Stretton and Mrs. D. M. Todd).

12. Minutes

RESOLVED:

That the Minutes of the meeting held on 12 July, 2007 be approved as a correct record.

13. Licensing Sub Committee

RESOLVED:

That the Minutes of the Licensing Sub Committee held on 22 June, 2007 (Enclosure 4.1 – 4.4 of the Official Minutes of the Council) be received for information.

14. Exclusion of Public

RESOLVED:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Paragraph 2, Part I, Schedule 12A, Local Government Act 1972 (as amended).

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PART 2

15. Application for a Hackney Carriage Proprietor's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.10 of the Official Minutes of the Council).

The Applicant attended the meeting to present his case.

The Chairman invited all those present to introduce themselves.

The Officer presented the Council's case by taking the Committee through the report outlining the relevant issues for consideration. He advised that the application for a Hackney Carriage Proprietor's Licence had been made by the Applicant on 6 September 2007. The Applicant was made aware of the Council's policy regarding the use of tinted glass and that his vehicle did not currently meet the requirements of the policy as the rear window's glass was much darker than the rest of the vehicle's glass. The policy stated that applications for vehicles with any glass that had less than 70% light transmission would not be accepted. The Applicant had advised that the glass that was currently in place was fitted as standard by the manufacturer and that they did not supply a less tinted glass for the model. He was therefore unable to replace the non-compliant glass. The Applicant had requested that the matter be referred to the Committee for determination.

The Officer commented that the Committee should have regard to the Council's policy in relation to tinted glass. However, the Committee should not allow this policy to fetter its discretion when determining the application. Additionally, the Committee should give appropriate consideration to the criteria outlined within (a) to (d) of paragraph 6.4 of the report.

Members were being asked to consider whether the vehicle should be exempt from the policy in respect of privacy glass and to determine whether the application for a Hackney Carriage Proprietor's Licence should be granted or refused.

The Applicant along with Members of the Committee were afforded the opportunity of asking questions of the Officer. A Member asked whether the Council had the facility to check whether the glass had less than 70% light transmission. The Officer confirmed that the Depot was in the process of purchasing a meter to assess the tinted glass so, at present, the assessment of the glass was subjective.

The Officer confirmed that the policy was currently under review and outlined the reasons why it was being reviewed. He commented that the Head of Service considered that Officers could determine which of the criteria outlined within (a) to (d) of paragraph 6.4 of the report applied. In view of this it was considered that the policy should be amended accordingly.

A Member then asked if Peugeot had been contacted to confirm the light transmission of the rear window. The Officer stated that the applicant had contacted the manufacturer regarding the tinted glass but had not asked for this information.

A Member asked whether the glass was in breach of the national guidelines for tinted glass. The Officer advised that the MOT standard required that the front windscreen and the passenger and driver's glass permitted 70% light transmission. Should the rear windows or side windows be darker this did not breach the law but he commented that for public safety reasons a greater standard applied where vehicles were being used as taxis.

The Officer confirmed that a similar application had previously been considered by the Committee where a Peugeot had tinted glass that did not meet the Council's policy. However the vehicle was not the same model as this application. A Member suggested that the Council should consider not accepting Peugeot's as a licensed taxi if they did not meet the policy in respect of tinted glass. The Officer explained that any policy should not fetter the Committee's discretion and should a particular type of vehicle be excluded from being licensed as a taxi this may be challenged.

The Committee then examined the applicant's vehicle.

The Applicant was then afforded the opportunity of presenting his case. The Applicant had nothing to say and therefore Members of the Committee were given the opportunity of asking questions of the Applicant.

A Member asked the representative to confirm whether the Applicant was aware of the tinted glass policy prior to purchasing the vehicle. The Applicant stated that he had not taken this into consideration when purchasing the vehicle but commented that ignorance was no excuse.

The Officer was then afforded the opportunity of asking questions of the Applicant's representative. There being none the Officer and the Applicant were given the opportunity to sum up their cases.

The Committee then deliberated in private accompanied by the Council's Legal Advisor and Secretary to the Committee.

RESOLVED:

That, having regard to the Council's relevant Policy specific circumstances of the application, unique characteristics of the vehicle and the duty and obligations upon the Committee, the application for a Hackney Carriage Proprietor's Licence be approved.

CHAIRMAN