

CANNOCK CHASE COUNCIL
MINUTES OF THE MEETING OF THE
LICENSING AND PUBLIC PROTECTION COMMITTEE
MONDAY 29 OCTOBER, 2007 AT 10.00 AM
IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK
PART 1

PRESENT: Councillors

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

Allen, F.W.C.	Freeman, M.P.
Ansell, Mrs. P.A.	Grice, Mrs. D.
Burnett, J.	Holder, M.J.
Davies, D.N.	Williams, B.

(Apologies for absence were received from Councillors I.R. Carr and N.K. Stanley)

16. Minutes

RESOLVED:

That the Minutes of the meeting held on 24 September 2007 be approved as a correct record.

17. Exclusion of the 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 1, Schedule 12A, Local Government Act 1972 (as amended).

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PART 2

18. Hackney Carriage/Private Hire Driver's Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 5.1 – 5.9 of the Official Minutes of the Council).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 Applicant had been granted a Hackney Carriage/Private Hire Driver's Licence by the Licensing and Public Protection Committee on 2 March 2007. However, Members had asked the Applicant to appear before them prior to the renewal of his licence in October 2007. The application for the renewal of the Hackney Carriage/Private Hire Driver's Licence had been made by the Applicant on 18 September 2007. The Officer advised that no enforcement issues had come to the attention of the Council's Licensing Unit since the Applicant had been granted his licence on 2 March 2007.

Members were asked to determine whether the Applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

The Applicant and Members of the Committee were offered the opportunity to ask questions of the Officer. The Applicant was afforded the opportunity of presenting his case. He thanked the Committee for granting his licence and commented that he was enjoying the work.

Members of the Committee and the Officer representing the Licensing Authority were offered the opportunity to ask questions of the Applicant. A Member asked the Applicant to confirm whether he had been able to deal with any aggressive or abusive passengers in view of the concerns expressed at the meeting on 2 March 2007. The Applicant stated that he had not been involved in any such situation but felt confident he would be able to cope. The Officer representing the Licensing Authority commented that the Applicant's employer provided the appropriate level of support to their drivers.

The Officer was offered the opportunity to sum up his case. He stated that no incidents had come to the attention of the Licensing Unit in the six months that the Applicant had held a licence. The Applicant was then offered the opportunity to sum up his case.

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

RESOLVED:

That the application for a Hackney Carriage/Private Hire Driver's Licence be granted as the Committee was satisfied that the Applicant was a fit and proper person to hold a licence.

19. Private Hire Vehicle Licence

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 6.1 – 6.8 of the Official Minutes of the Council).

The Applicant's representative attended the meeting to present the Applicant's case as the Applicant had advised that he was unable to attend due to a pre-booked holiday.

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 Private Hire Vehicle Licence had been made by the Applicant on 11 October 2007. The Applicant had been advised that the rear windows did not comply with the Council's privacy glass policy which stated that applications for vehicles with any glass that had less than 70% light transmission would not be accepted. The Applicant considered that this did not compromise the safety of the vehicle and wished the Committee to consider his application.

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 paragraph 6.5 (c) and (d) of the report.

The Committee was asked to bear in mind that the vehicle would be used as a Private Hire Vehicle, therefore for private bookings only and would not be able to ply for hire on the taxi rank or elsewhere. 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 Private Hire Vehicle Licence should be granted or refused.

The Applicant's representative along with Members of the Committee were afforded the opportunity of asking questions of the Officer. A Member asked whether it was possible for the glass in the rear window to be replaced. The Officer advised that he was not aware whether it was possible to replace the glass for this particular vehicle.

The Officer confirmed that the tinted glass policy was currently under review and that a full

explanation as to why it was being reviewed was given at the previous meeting. However, the Committee should make a decision on this application based on the current policy.

A Member commented that it was not illegal for the rear window to be fitted with glass that had less than 70% light transmission.

The Committee then examined the Applicant's vehicle.

The Applicant's representative was then afforded the opportunity of presenting the Applicant's case on his behalf. The representative reiterated that the vehicle would only be used for private bookings of an executive or corporate nature and would not be used as a hackney carriage vehicle.

Members of the Committee and the Officer representing the Licensing Authority were given an opportunity to ask questions of the Applicant's representative. The Officer was then asked to sum up the case. He stated that Members had viewed the vehicle and were aware that it would only be used for pre-booked travel so customers would know what type of vehicle they were booking. Details of the person making the booking would also be completed in the Operators log.

The Applicant's representative was then afforded the opportunity to sum up the Applicant's case.

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

RESOLVED:

That, having regard to the circumstances of the case, namely that only the rear window was fitted with glass that had less than 70% light transmission, the Committee was of the opinion that the vehicle did not compromise and undermine public safety in this regard and therefore the application for a Private Hire Vehicle Licence be approved.

(Councillor M P Freeman requested that his name be recorded as having voted against the decision).

CHAIRMAN