

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**LICENSING AND PUBLIC PROTECTION COMMITTEE**  
**THURSDAY, 6 DECEMBER 2007 AT 10.00 A.M.**  
**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 1**

PRESENT: Councillors

Bennett, K.L. (Chairman)

Allen, F.W.C.	Grice, Mrs. D.
Ansell, Mrs. P.A.	Holder, M.J.
Burnett, J.	Todd, Mrs. D.M.
Easton, R.	Williams, B.
Freeman, M.P.	

(Apologies for absence were received from Councillors R.D. Butler, I.R. Carr and D.N. Davies)

**22. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members**

<b>Member</b>	<b>Nature of Interest</b>	<b>Type</b>
Allen, F.W.C.	Not for Publication Report of Head of Environmental Health - Hackney Carriage Proprietor's Licence – Member uses the taxi company	Personal

**23. Minutes**

RESOLVED:

That the Minutes of the meetings held on 26 July, 29 October and 5 November 2007 be approved as a correct record.

**24. Licensing Sub Committee**

RESOLVED:

That the Minutes of the Licensing Sub Committee held on 19 September 2007 be received for information.

**25. Hackney Carriage & Private Hire Vehicles: Privacy Glass Policy**

Consideration was given to the Report of the Director of Service Improvement (Enclosure 5.1 – 5.6 of the Official Minutes of the Council).

RESOLVED:

- (A) That Council be recommended that the amended Policy relating to the licensing of Hackney Carriage and Private Hire Vehicles fitted with Privacy Glass as set out in Annex 1 to the report be approved and take effect from 1 February 2008.
- (B) That subject to (A) above the Director of Service Improvement (or any person authorised by him) be authorised to determine any application received by the Council's Licensing Unit to which the Policy set out in Annex 1 to the report applies.

**26. 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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**IN THE CIVIC CENTRE, BEECROFT ROAD, CANNOCK**  
**PART 2**

**27. Application for a Hackney Carriage Proprietor's Licence**

Consideration was given to the Not for Publication Report of the Head of Environmental Health (Enclosure 7.1 – 7.8 of the Official Minutes of the Council).

The Applicant and his representative (his wife) 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. She advised that the application for a Hackney Carriage Proprietor's Licence had been made by the Applicant on 14 November 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 was given the opportunity to try and rectify this by replacing the rear window glass with a type that met the policy requirements. 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 6.5 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.

The Applicant and his representative were afforded the opportunity of asking questions of the Officer. The Applicant's representative stated that the relevant equipment was not available at the Hawks Green Depot to test the light transmission of the rear window of the vehicle. She commented that three vehicles of the same model had been passed and licensed as hackney carriage vehicles. In addition, she advised Members that the Applicant had purchased another vehicle of the same model and would be submitting an application to license this vehicle as a Hackney Carriage Vehicle.

The Officer commented that the relevant equipment to test the light transmission had not yet been purchased by Hawks Green Depot. However, the rear and back windows of a vehicle do not form part of the construction and use regulations regarding light transmission levels. Therefore, manufacturers can apply a tint to these windows as dark as they wish without breaking the law.

Members of the Committee were then afforded the opportunity of asking questions of the Officer. A Member sought confirmation as to by what percentage the glass did not meet the necessary light transmission requirement. The Officer stated that it was obvious the glass was darker by viewing the vehicle.

A Member asked if the safety of passengers was jeopardised by having a tinted rear window. The Officer commented that it would depend on the degree of the tint and which windows were tinted. She confirmed that Licensing Officers had made the decision that the glass had less than 70% transmission and stated that similar vehicles had been licensed prior to the privacy glass policy being adopted.

The Committee then examined the Applicant's vehicle.

The Applicant and his representative were then afforded the opportunity of presenting the Applicant's case. The Applicant's representative commented that the rear window could be replaced with clear glass but it would not be factory fitted and supplied by the manufacturer of the vehicle. She considered this would be unacceptable. Additionally, this would impose a further cost to the Applicant.

Members of the Committee were given the opportunity of asking questions of the Applicant and his representative. A Member asked the Applicant to confirm whether he was aware of the tinted glass policy prior to purchasing the vehicle. The Applicant's representative stated that the Applicant was not aware of the regulations prior to purchasing the vehicle. However, he understood there was an issue with tinted glass but did not think there would be a problem. She further commented that the Applicant had ordered two identical vehicles at the same time and the second vehicle was due to be delivered after Christmas. It was intended to submit an application in respect of this vehicle.

A Member commented that the warranty of the vehicle would be invalidated should the Applicant replace the rear tinted glass to clear glass which was not fitted by the manufacturer.

A Member asked the Applicant to confirm the reasons for purchasing this type of vehicle. The Applicant's representative stated Peugeot vehicles came with two years unlimited warranty. Additionally, this particular model provided six seats with the benefit of not being too high. This meant that older people could access the vehicle more easily.

The Officer was then afforded the opportunity of asking questions of the Applicant and his representative. The Officer was then given to opportunity to sum up the case. She stated that the Committee had viewed the vehicle and Members would need to determine whether the vehicle should be exempt from the policy in respect of privacy glass. Members were asked to consider whether they would be willing to make a decision on the identical vehicle that the Applicant had purchased as he would shortly be submitting an application for licensing the vehicle as a Hackney Carriage Vehicle.

The Applicant and his representative were given the opportunity to sum up their case. The Applicant's representative stated that she would be grateful if the Committee would make a decision today on the identical vehicle that would shortly be submitted for licensing.

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

RESOLVED:

- (A) That, having regard to the Council's relevant Policy, the Committee considered that the vehicle's rear glass did not compromise and undermine safety and therefore, the application for a Hackney Carriage Proprietor's Licence be approved.
- (B) That, with regard to the second vehicle, a Hackney Carriage Proprietor's Licence be granted in principle subject to the Applicant satisfying the Licensing Unit that vehicle registration number DN57 SYV was an identical model to vehicle YP57 KTG.

## **28. Hackney Carriage/Private Hire Driver's Licence Application**

Consideration was given to the Report of the Head of Environmental Health (Enclosure 8.1 – 8.14 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. She advised that the Applicant had current convictions relevant to the determination of whether he was a fit and proper person and that the Council's policy stated that an Applicant should be free of conviction for 3 to 5 years before an application was considered. She explained that the Applicant also had a spent conviction and the Committee would need to consider whether this conviction was relevant to the determination of the application. The Officer then examined the Applicant's DVLA Driving Licence and confirmed that it was identical to that produced at Annex 2 of the report.

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

The Applicant, along with Members of the Committee were afforded the opportunity to ask questions of the Officer. A Member asked for confirmation of the Applicant's current conviction. The Officer confirmed that the offence was for failing to provide a specimen for analysis (driving or attempting to drive).

In response to a question regarding the Applicant's conviction, the Committee was advised that the Applicant's Driving Licence was reinstated on 22 July 2005 (following the 12 month disqualification period). He then undertook a Public Service Vehicle test and

this category was added to his Driving Licence in November 2005. This was the reason his Driving Licence was valid from 18 November 2005.

The Applicant was then afforded the opportunity to present his case.

The Applicant advised that he had held a Driving Licence since 1999 and had served in the Royal Air Force and gained practical driving experience. He circulated NVQ Driving Certificates for Members information.

He stated that he was regretful of the conviction and had done all he could to educate himself about the effects of alcohol which included attending a course. Two and half years had passed since the offence and he had no intention of re-offending. He advised that following his period of disqualification he undertook a Public Service Vehicle driving test and his ex employer had offered him work as a coach driver.

He informed Members that the offence had occurred in the morning following a night out drinking. He misunderstood that alcohol may remain in his system the morning after a night out. He had made a grave mistake but considered he had matured over the four years since the offence. He stated that should a licence be granted he considered that he would be able to help others in not making the same mistake as he had made. He asked Members to take into account the case he had made when making their decision.

He advised the Committee that his prospective employer was unable to attend the meeting due to being on holiday but had written a letter for the benefit of the Committee. This was circulated to Members.

Members of the Committee were then offered the opportunity to ask questions. A Member asked whether the Applicant considered he was an angry person bearing in mind his spent conviction in 2001. The Applicant stated that he did not have an angry nature. The offence occurred over 8 years ago and related to an incident involving himself and a group of lads. A bin was damaged outside a public house and all the lads were charged with the same offence.

In response to a question, the Applicant confirmed that he held the appropriate Driving Licence to enable him to drive a Public Service Vehicle and transport school children.

He confirmed that the course he had attended had helped him understand the effects of alcohol and he now did not drink alcohol at all.

A Member asked the Applicant to explain why he had applied prior to being three years free of conviction. The Applicant stated that he had decided to apply now as he wished to put forward his case to Members of the Committee. Should he be unsuccessful he would re-apply in six months time.

In response to a further question, the Applicant informed Members that on the evening of the offence he had arrived home at 3.30am and had attempted to drive at 7.20am. However, he had not consumed his last alcoholic drink at 3.30am. He had panicked and had failed to provide a specimen.

A Member asked the Applicant whether he required a licence from any other body to enable him to drive a Public Service Vehicle. The Applicant confirmed that he was only

required to have a CRB check and had worked for Shire Travel as a coach driver.

A Member then questioned the Applicant about the speed he was travelling when he was caught speeding in September 2006. The Applicant stated that he was in Scotland travelling 68mph per hour in a 60mph limit.

The Officer was then offered the opportunity to ask questions of the Applicant. She asked the Applicant to confirm how many miles he drove on average per year. The Applicant stated that he drove 4,000 miles per year in his personal car and approximately 12,000 miles per year for his employer. His previous driving job required him to drive approximately 22,000 miles in a six month period.

She then asked the Applicant to confirm why he considered he would make a good taxi driver. The Applicant stated that he considered he was a good driver with knowledge of the area. He wanted to provide a service to the public and get them home safely. He was an honest, decent and helpful man and hoped to stop people committing the same offence as he had done. He would deal with difficult situations in a cool and calm manner.

The Officer was then offered the opportunity of summing up the case. She stated that Members had heard the Applicant's explanation as to the current and spent convictions and were aware of the policy requiring an Applicant to be free of conviction for 3 years. However, she commented that each case should be judged on its merits. She stated that Members had also seen the letter from the Applicant's prospective employer. She asked Members to consider whether the Applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

The Applicant was then offered the opportunity to sum up his case. He thanked Members of the Committee for their time and stated that, whilst he understood the policy relating to the relevance of convictions, he hoped that the reasons he had put forward would enable a licence to be granted.

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 approved and granted until 31 July 2008 as the Committee was satisfied that the applicant was a fit and proper person to hold a licence.

## **29. Hackney Carriage Proprietor's Licence**

Consideration was given to the Report of the Head of Environmental Health (Enclosure 9.1 – 9.13 of the Official Minutes of the Council).

The Applicant and his representative (his Solicitor) 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. She advised that the Applicant had been granted a Hackney Carriage Proprietor's Licence by the Committee on 15 June 2007 subject to a review by the Committee in six months. She outlined the background of the case which was given at paragraph 2 of the report and circulated a computer print out from Staffordshire Police which clarified the events around the incident. She commented that the vehicle licensed under Plate No 112 would become six months old on 1 April 2008 and would not be able to be licensed unless a claim for it to be an exceptional vehicle was made.

She stated that no issues regarding the Applicant had come to the attention of the Licensing Unit in the last six months. The Officer then examined the Applicant's DVLA Driving Licence and confirmed that there were no additional offences. The Committee was being asked to determine whether the Applicant was a fit and proper person to hold a Hackney Carriage Proprietor's Licence and determine whether any action was appropriate in respect of the Applicant's Hackney Carriage/Private Hire Driver's Licence.

The Applicant and his representative along with Members of the Committee were offered the opportunity of asking questions. The Applicant and his representative were given the opportunity of presenting his case. The Applicant's representative outlined the background to the case and stated that no issues had come to the attention of the Licensing Unit in the last six months. He requested that the Committee extend the Applicant's licence accordingly.

Members of the Committee and the Officer were offered the opportunity of asking questions. The Officer was given the opportunity of summing up the case. The Applicant and his representative were then given the opportunity to sum up. The Applicant's representative advised the Committee that the Applicant did not intend to re-licence the vehicle when it became six years old.

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

RESOLVED:

That no action be taken in respect of the Applicant and the Hackney Carriage Proprietor's Licence be granted until 1 April 2008.

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CHAIRMAN