

St Peters road  
Margate  
CT9 1TJ

12th May 2017.

Dear Sir,

Re: Plate licence 424

I am writing to request an appeal hearing into the refusal to pass my vehicle at the visual on 11th May 2017. The vehicle was refused on the grounds of tinting on the tailgate glass and the two corner glass pieces. The vehicle is a 2010 Peugeot 407sw diesel estate.

I would like to raise the following points in my appeal:

My Peugeot 407 estate is a standard production model as sold in the UK, the windows are all standard not specially requested extras. The AS3 tint is a standard window conforming to all regulations including the Gov.uk advice and the Vehicle licencing authority. One of the main reasons for tinting is to protect animals travelling in the rear from direct magnified sunlight. I have a dog, I also take dogs in work and with an estate I can transport them in the rear.

My vehicle is an estate car not an MPV with seats that can be used in the rear. The passenger area of my vehicle is easily seen from the outside as is the rear section from the rear quarter windows which are not tinted. I also have a dog guard fitted so there is no access to the rear from the inside of the vehicle.

It may be said that banning tinted windows is a security issue. In the rear windows I can see the sense in this, however standing beside or behind my vehicle you can clearly see all areas of the inside. With the advent of CCTV in many vehicles there is more security equipment available. It cannot be a major security issue as far as Police are concerned as I am aware that many licensing authorities do not enforce a ban on any rear windows including Canterbury.

There are already exemptions from the tint ban for those doing business work and mainly airport runs and they do not have to display the plate or licence info on the vehicle.

I do not oppose a ban on vehicles with window tinting only that a blanket ban is unfair and restrictive when the vehicle is a standard production model. The tinting specifications are AS1 for windscreens and AS2 for front windows so surely the regulation we have could be modified to state AS2 on rear windows and hatchbacks and MPVs but allowing AS3 on estate car tailgates where the vehicle is a standard model.

In conclusion all I am asking is that the rule is fairer and more tailored to the type of vehicle. Use of an estate car is an advantage to the customer in that more luggage can be taken and easier access for wheelchairs etc. Thank you for your attention and I look forward to putting my case in person.

Yours sincerely





16<sup>th</sup> May 2017

My Ref: PJB/Lic  
Email : [REDACTED]@thanet.gov.uk  
Ask For: Mr P Bensted  
Ext No: [REDACTED]  
Your ref : -



Dear Sir

Vehicle visual inspection Peugeot 407 Estate

Thank you for your letter dated the 12<sup>th</sup> May last.

The Peugeot vehicle was brought by you for inspection by a Licensing Officer on the 11<sup>th</sup> May last. I understand that you have been a licensed private hire driver since 2010 and most recently driven a licensed Ford Mondeo vehicle which complied with the vehicle conditions.

I understand that the purpose of you bringing the vehicle for inspection on the 11<sup>th</sup> May was with the intention of licensing this particular vehicle. You should be aware that we always advise drivers not to purchase any vehicle until they have been inspected by an officer in order to ensure that they comply with the Council's vehicle conditions. Officers are willing to visit garages in Thanet to ensure that vehicles comply before purchase.

I have spoken with the officer who failed the Peugeot vehicle. I can confirm that it was failed because of the tinting on the rear window and quarter light corner glass pieces.

The Guidelines on the assessment of vehicles are agreed by the Council's Licensing Board. The tinting requirement has been in place for many years with checks being made by use of machines. Before that officers visually failed vehicles where windows were deemed to be too dark. The front and front side windows would appear not to be an issue. The condition further requires that all other windows including the rear window must allow at least 70% of light to be transmitted through them.

You mention that one of the main reasons for tinting is to protect animals travelling in the rear from direct magnified sunlight. I understand that the proposed vehicle is an estate. Our concern is public safety, which includes driver safety. Any licensed vehicle will be picking up from various venues including nightclubs and public houses and doing school runs.

The issue of tinting was brought up at the hackney carriage annual conference by drivers. Kent Police were in attendance and confirmed that they supported the Council's stance on tinting. Being able to see into the vehicle not only protects passengers but also drivers. Any person directly behind your vehicle would not have a view into the vehicle.

You pray in aid Canterbury in your letter. Local Authorities set their own local conditions in relation to vehicles and drivers. Canterbury will not licence for the first time vehicles older than two years – the 2010 Peugeot vehicle would not be licensed at Canterbury.

You mention that there are exemptions for some vehicles. That is the case. Where vehicles only undertake airport collection or private business hire they are exempted. However, no exemption would be granted for any vehicle undertaking local circuit work.


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01843 577000  
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I trust that I have set out the current position in relation to this matter. If, having read this letter, you would like the matter considered by the Licensing Board please confirm in writing. I will then arrange for a hearing before the Licensing Board.

Yours faithfully

Regulatory Services Manager

  
St Peters Road  
Margate  
CT9 1TJ

**From:** [REDACTED]@gmail.com>  
**Sent:** 18 May 2017 10:33  
**To:** TDC Licensing  
**Subject:** Peugeot 407 estate

Thank you for your letter 16th May. Despite your position I feel that I have some very valid points to put before a licensing board and therefore request a personal hearing asap.

If I was to change the tailgate glass to AS2 would you be prepared to allow the small rear quarter lights to remain AS3 as they are moulded in and there are 2 quarters in the rear AS2.

Thank you  
[REDACTED]

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## Philip Bensted

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**From:** Philip Bensted  
**Sent:** 18 May 2017 11:31  
**To:** [REDACTED]@gmail.com'  
**Subject:** Peugeot 407 state  
**Attachments:** 1776\_001.pdf

Dear Sir

Thank you for your email which is attached.

This being an Estate vehicle should you change the rear window glass to allow for 70% of light to be transmitted through it, this would suffice. The rear quarter lights could remain. By changing the rear window this would hopefully allow vision into the vehicle from all angles.

The vehicle would need to inspected once again.

Regards,

Philip Bensted  
Regulatory Services Manager  
Regulatory Services  
Thanet District Council  
Tel: 01843 [REDACTED]  
Email: [philip.bensted@thanet.gov.uk](mailto:philip.bensted@thanet.gov.uk)

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**From:** [REDACTED]@gmail.com>  
**Date:** 30 May 2017 at 12:39:07 BST  
**To:** Philip Bensted <[\[REDACTED\]@THANET.GOV.UK](mailto:[REDACTED]@THANET.GOV.UK)>  
**Subject:** Re: Peugeot 407 state

Dear Mr Bensted

Thanks for your reply. Unfortunately despite my best efforts the tailgate glass for this vehicle is not available in AS2 as the tint version is standard. Since my email I also would like to mention that plate 233 Thanet cars Peugeot 407 estate identical to mine is plated and working circuit so the safety argument is hardly valid.

Therefore I would like my appeal to a licence board hearing to proceed asap

Regards  
[REDACTED]

Sent from my iPad

**From:** Philip Bensted  
**Sent:** 08 June 2017 08:51  
**To:** [REDACTED]  
**Subject:** RE: Peugeot 407 state

Dear Mr [REDACTED]

Thank you for your email. I apologise for the delay in replying but hopefully you received an automatic reply confirming that I was on leave until the 5<sup>th</sup> June.

It is unfortunate that we have been unable to resolve this matter by replacing the rear window glass. I obviously do not know what enquiries you have made of companies who are able to accommodate requests to replace glass.

You mention in your email vehicle plate 233 which is identical to yours. I have made enquiries in relation to that vehicle. The vehicle was first licensed in 2009 and is currently licensed. The tinting requirements were agreed by the Licensing Board in 2009. Following the Board's decision the budget for the purchase of tinting machines had to be agreed and the machines purchased. Vehicle plate 233 was first licensed in the Autumn of 2009 shortly before Licensing Officers starting using the machines to test for compliance.

The decision of the Licensing Board was not retrospective. In other words, vehicles that were already licensed would not be affected by the Board's decision and those vehicles would continue to be licensed until the individual decided to change that vehicle for another. The individual would be informed that when bringing another vehicle for licensing it would have to comply with the tinting requirements. This applied in the case of vehicle plate 233.

I did ask a Licensing Officer to contact the owner of vehicle plate 233 and she spoke to him on Tuesday 6<sup>th</sup> June. He confirmed that the vehicle was licensed prior to the requirements for tinting and he was fully aware of the situation regarding any replacement vehicle. He also stated that he would be replacing the vehicle prior to the six monthly inspection of vehicles in November 2017.

The next Licensing Board meeting is on the 25<sup>th</sup> July next and I will arrange for this matter to be heard on that date, in the meantime I will prepare a report and forward a copy to you.

Regards.

Philip Bensted  
Regulatory Services Manager  
Regulatory Services

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**From:** [REDACTED]@gmail.com>  
**Sent:** 08 June 2017 10:31  
**To:** Philip Bensted  
**Subject:** Re: Peugeot 407 state

Dear Mr Bensted

Thank you for your reply. I received auto reply ok. I understand your position regarding licensing the vehicle however I feel there should be allowances made within these regulations. My case is that the Peugeot 407 estate is standard U.K. factory made. The rear is visible from outside due to the two quarter windows each side. In fact since the rear tint has not been tested we don't know how much light it lets through but it does not in any way prevent seeing action inside the passenger seats. Regarding safety/police advice we are the only local authority with any tinting policy therefore this is not an issue. The glass is fully compliant with all mot testing. The car itself is ideal as a taxi being a large vehicle ease of access and being an estate for wheelchairs, and dogs, etc. With regard to replacing the glass I have contacted breakers yards nationally and Peugeot dealers but unfortunately because the car model was manufactured with the rear tint and they are not produced any longer therefore untinted is not available anywhere. With regard to your statement on plate 233 the fact that the car has been licensed for 8 years without incident rather points to safety not being an issue. I was hoping that you could use your discretion to allow my vehicle to be licensed however I will await the hearing where I assume I can attend to put my case.

Thank you regards

[REDACTED]  
Sent from my iPad