

Licensing Committee

Friday, 5th July, 2013
2.30 - 2.54 pm

Attendees	
Councillors:	Garth Barnes (Chair), Diggory Seacome (Vice-Chair), Andrew Chard, Anne Regan, Rob Reid, Malcolm Stennett, Charles Stewart, Pat Thornton, Jon Walklett and Roger Whyborn
Also in attendance:	Councillor Helena McCloskey

Minutes

1. APOLOGIES

2. DECLARATIONS OF INTEREST

Councillor Reid declared a prejudicial and personal interest in agenda item 6 as he was friends with the applicant.

3. PUBLIC QUESTIONS

None received

4. MINUTES OF MEETING HELD ON 7 JUNE 2013

Resolved that the minutes of the meeting held on 7 June 2013 be agreed and signed as an accurate record.

5. MINUTES OF SUB COMMITTEE MEETINGS

None

6. PRIVATE HIRE VEHICLE APPLICATION

Councillor Reid retired from the Chamber at 14:35 due to his declaration of interest.

Louis Krog, Business Support and Licensing Team Leader introduced the report as circulated with the agenda. An application for a Private Hire vehicle licence had been received from Mr Keffler to licence a BMW X5 first registered on 23 April 2004.

The vehicle, being registered as new in 2004, is older than the maximum permitted age limit of 5 years for date of manufacture.

Appendix A of the report showed a picture of Mr Keffler with Pierce Brosnan who he chauffeured around the Cotswolds.

Appendix B of the report showed a reference from Mr Ian Coley

Appendix C of the report provided a photograph of the vehicle.

Appendix D of the report showed a copy of the certificate of compliance.

Louis Krog advised Members that Cheltenham Borough Council does not have a policy on maximum mileage for vehicles and this part of Mr Keffler's statement was irrelevant.

Louis Krog also told Members that Mr Keffler's point in his statement about the vehicle being un-economic because it would not be on the road 8 hours a day most days of the week and it would only attract tax relief of 8% was also not relevant. The policy looked at suitability and safety of the vehicle.

Mr Keffler attended the meeting and spoke in support of this application. Mr Keffler detailed his statement shown at point 3.1 of the report.

Members asked the following questions:

- When asked, Mr Keffler confirmed this application was for an additional vehicle to his already licensed Bentley. Mr Keffler advised the Committee that he did not envisage licensing any more vehicles as he would be driving the vehicles himself.
- When asked, Mr Keffler stated that he also worked as a chartered accountant.
- A Member referred to Mr Keffler's statement and asked how this application helped the local economy.
- Mr Keffler said that his currently licensed Bentley provided an unusual vehicle to customers. He wanted to extend his service to various luxury hotels to enable customers to be driven in a 4 wheel drive vehicle. Mr Keffler referred Members to the reference provided by Mr Coley at appendix B of the report. This additional vehicle would provide a unique selling point for these sorts of establishments.
- When asked, Mr Keffler confirmed he used either vehicle for journeys once a day.
- A Member sought clarification about the photograph of the BMW at appendix C of the report.
- Mr Keffler confirmed the photograph was taken from the BMW website and was not the actual vehicle. Mr Keffler stressed that his BMW was the same type of vehicle to the photograph and apologised for not providing a real life photograph. He said the vehicle had been inspected and it was in immaculate condition.
- A Member reminded Members that the need today was to concentrate on the age of the vehicle and asked if the vehicle had passed all its tests.
- Mr Keffler confirmed it had passed all required tests and there were no problems with the vehicle.
- When asked, Mr Keffler confirmed he had purchased the vehicle 2 months ago and it had had 2 previous owners. The vehicle was always serviced at BMW dealerships so retained a full service history.
- When asked, Mr Keffler advised the Committee that his average annual mileage was between 15000 and 20000 miles.
- A Member reminded Mr Keffler that if the licence was granted, the vehicle would be subject to 6 monthly MOT tests as the vehicle was above the required age limit.
- When asked, Mr Keffler stated that the 4 wheeled drive BMW could be used for guests staying at hotels who needed to be driven off road for shoots.

- Mr Keffler confirmed the mileage of the vehicle was 86000 miles.

In summing up, Mr Keffler said the vehicle had full service history like his Bentley. The vehicle if licensed would be subject to 6 monthly MOT tests and he did not scrimp on safety at all.

Members were advised that they had two options as set out in the report:-

1. The application be granted because the Committee considers there to be sufficient grounds to deviate from the adopted policy; or
2. The application be refused because the vehicle does not comply with the Council's adopted policy.

Members voted for these two options:

Option 1: Voting For: 7, Against 2, Abstentions 0

Option 2: Voting For: 2, Against 7, Abstentions 0

RESOLVED that the application be granted because the Committee considers there to be sufficient grounds to deviate from the adopted policy.

7. ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION

None

8. DATE OF NEXT MEETING

26 July 2013

9. BRIEFING NOTE

Garth Barnes
Chairman