



Notice of a meeting of Licensing Committee

Friday, 5 July 2013

2.30 pm

Council Chamber, Municipal Offices

Membership	
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

The Council has a substitution process and any substitutions will be announced at the meeting

Agenda

1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	PUBLIC QUESTIONS These must be received no later than 12 noon on the fourth working day before the date of the meeting	
4.	MINUTES OF MEETING HELD ON 7 JUNE 2013	(Pages 1 - 6)
5.	MINUTES OF SUB COMMITTEE MEETINGS None	
6.	PRIVATE HIRE VEHICLE APPLICATION Mr David Keffler	(Pages 7 - 18)
7.	ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION	
8.	DATE OF NEXT MEETING 26 July 2013	
9.	BRIEFING NOTE	(Pages 19 - 20)

Contact Officer: Rachael Sanderson, Democracy Assistant, 01242 264130

Email: democratic.services@cheltenham.gov.uk

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Licensing Committee

Friday, 7th June, 2013

2.30 - 3.24 pm

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

Minutes

1. **APOLOGIES**
None
2. **DECLARATIONS OF INTEREST**
Councillor Thornton, agenda item 4 personal interest as is friends with the applicant.
3. **PUBLIC QUESTIONS**
None received
4. **MINUTES OF MEETING HELD ON 3 MAY 2013**
Resolved that the minutes of the meeting held on 3 May 2013 be agreed and signed as an accurate record.
5. **MINUTES OF SUB COMMITTEE MEETINGS**
None
6. **STREET TRADING APPLICATION**
Councillor Thornton left the chamber at 2.35pm due to her declaration of interest.

Amelia Byres, Senior Licensing Officer, introduced the report as circulated with the agenda. An application had been received from Mr Hayes for a street trading consent to sell local fruit, jam and preserves from a traditional market barrow on the High Street outside Beechwood Arcade Shopping Centre.

The requested trading period and days are 10.00 – 16.00 Monday to Saturday.

Appendix A of the report showed an image of the proposed barrow and Appendix B detailed a location map.

Mr Hayes' application sought consent to trade from 24 June to 14 August and 2 September to 7 October 2013.

Mr Hayes attended the meeting and spoke in support of his application. He previously sold local produce at the train station until the new Tesco supermarket affected his trade.

Mr Hayes confirmed that most of the fruit would be provided by his own fruit trees. He explained that the bad weather had resulted in cherries and plums fruiting very late this season. Due to this Mr Hayes had selected dates to trade to hopefully tie in with fruits cropping.

Mr Hayes stated that only local produce would be sold and this would be very good for the high street.

Members asked the following questions:

- A Member suggested that Mr Hayes be permitted to trade for the whole period of the selected trading dates.
- Amelia Byres confirmed that the dates had been selected by Mr Hayes.
- Mr Hayes explained it had been difficult to choose trading dates as a result in late crops of fruit due to the bad weather. Mr Hayes said it would be preferable to have the option of a longer trading period.
- A Member raised concern about the produce spreading to the sides of the barrow. The Member said they were happy with the location and the unit but asked that the timing of set up be tightly controlled.
- A Member asked how close the barrow was in relation to the near by flower seller.
- Mr Hayes said it was quite close but looking out of the Beechwood Arcade, his barrow was the first stall on the left and the flower seller was further down the high street by HMV.
- When asked, Mr Hayes confirmed that his produce is sourced from Ross on Wye, Hales Fruit Farm, Vine Farm in Staunton and Leominster. The maximum distance for produce is 40 miles.
- When asked, Mr Hayes said there would be no conflict between his barrow and the flower seller as different produce was sold.
- He confirmed that his business at the train station had closed down as Tesco had killed his trade. Mr Hayes said that there would not be enough produce to spill over and spread outside of the barrow so this would not be an issue.
- When asked about the stall, Mr Hayes said it had not been made yet but he had seen one that could be made for him. Mr Hayes said the barrow would be attached to his vehicle which could be parked outside Cambray Place. The barrow would then be taken to its trading point and the vehicle would be moved away allowing Mr Hayes to cycle back into town. Mr Hayes stated he was not expecting to drive onto the high street with the barrow.
- A Member referred to the change in the Town Centre Policy which encouraged tourists into the town. The Member felt the unit shown in Appendix A of the report was not attractive and asked if his barrow would be similar to what Mr Hayes had in mind.
- Mr Hayes explained that the bottom of the barrow would be filled in to enable fruit to be stored there. Everything that would be sold on the day would be on display with a back to the barrow to protect produce from

the weather. He stated that the measurements in his application were slightly out but would be no more than 50cm extra.

- When asked, Mr Hayes said the barrow would be an attractive display and it was going to be fantastic.
- A Member referred back to the trading dates and reminded Mr Hayes that even if he was unable to trade due to lack of produce, the fee would still need to be paid.
- Amelia Byres confirmed that Mr Hayes could be charged on a weekly basis dependent on each week. If a break in trade did change that could be accommodated for.
- A Member asked if the application was approved that a condition could be attached to the licence to ensure there is no spillage out of the vehicle and asked officers and Mr Hayes to agree together what that layout will be.
- A Member asked if Mr Hayes was happy his barrow would not impinge on the flower seller and did not sell anything they sold.
- Mr Hayes said he hoped the application would be approved, his application was in keeping with the high street and would enhance it. Nothing like his produce was sold at this end of the high street and everything would be very locally produced and fruit from Cheltenham would be used.
- A Member asked how Mr Hayes saw this application fitting in with supporting tourism.
- Mr Hayes confirmed this would be the same stall as set up at the station which was very well received. Visitors who came for the day to the town on holiday or to visit the festivals often took some local produce from the Cotswolds back home with them from his stall.
- When asked, Mr Hayes stated that jams and preserves are made with the local produce by a lady locally and could be sold along with local fruit juices.

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

1. The application be approved because Members are satisfied that the location is suitable, or
2. The application be refused because it does not comply with the provision of the Street Scene policy as the proposed location be deemed unsuitable.

Members voted for these two options:

Option 1: Voting For: 9, Against 0, Abstentions 0

Option 2: Voting For: 0, Against 9, Abstentions 0

RESOLVED that the application be approved because Members are satisfied that the location is suitable.

7. PRIVATE HIRE DRIVER REVIEW

Amelia Byres introduced the report as circulated with the agenda. This is a review of Mr Rodgers Private Hire Driver's licence which is due for renewal on 14 December 2013.

Mr Rodgers drives a private hire vehicle which was subject to a vehicle inspection on Thursday 18 April 2013 by Police Constable J Tranter.

Police Constable J Tranter contacted the Licensing Officer immediately to advise that the vehicle had been inspected at 23.45 hours on the A40 London Road, Cheltenham. PC Tranter advised that the vehicle had been stopped due to an inoperable headlamp and bald rear nearside tyre.

PC Tranter advised that the rear nearside tyre was worn below the legal limit, the measurement in the groove of the tyre was 75mm on the inside edge of the tyre, the full circumference of the tyre measured 100mm.

Amelia Byres confirmed that Mr Rodgers brought his vehicle for inspection at 11.00 the next day. The vehicle had a new tyre and replaced headlamp.

A diagram of the tyre measurements submitted by PC Tranter is detailed in Appendix A of the report.

A reference from Mr Foley is attached at Appendix B of the report and Appendix C shows a copy of the rental agreement between Mr Rodgers and Mr Foley

Members asked the following Officer comments:

- When asked, Amelia Byres confirmed the tyre was a standard make and referred Members to point 3.6 of the report which detailed the policy on tyres.

Mr Rodgers attended the meeting and spoke in support of his licence. He explained that the day he was stopped was a race day and had got straight into his vehicle that morning. Mr Rodgers apologised for not checking his vehicle prior to starting work and said this was his fault.

Mr Rodgers said he was pulled over due to his headlamp not working and was taken aback when he was told his tyre was under the correct level. Mr Rodgers said he had travelled 100 miles that evening. He was advised by the Police officer to take his passenger home and stop working for the evening. Mr Rodgers stated that if the tyre had been in a serious condition the vehicle would have been immediately taken off the road.

Mr Rodgers confirmed he had since bought a tyre measuring device for his own use and apologised for the worn tyre on his vehicle.

Members asked the following questions:

- A Member told Mr Rodgers he should have checked his tyres and it takes time for them to wear.
- Mr Rodgers confirmed he had checked his tyres 3 to 4 days earlier and his tyres were above the legal limit then. Mr Rodgers said he now checks them on a daily basis.
- Members discussed the level of wear on the tyre and where the tyre had been measured.

- Mr Rodgers confirmed the Police officer measured the tyre twice, the inside of the tyre fell below the limit but the outside of the tyre was fine. All of his other tyres were satisfactory.
- When asked, Mr Rodgers said he did not see the device used by the Police officer as he was looking after his passenger in his vehicle.
- A Member detailed the required tread of tyres and stated that the tyre measured 1.3mm instead of 1.6mm and this was a very small difference. The Member said they were surprised that such a song and dance had been made about it. The Member advised the Committee that the difference of 0.3mm equalled 3 pieces of A4 paper.
- A Member referred to Mr Foley's letter at Appendix C and page 23 of the report which stated that it would be impossible for any motorist to see the uneven tread wear of 0.3mm.
- When asked, Mr Rodgers confirmed his headlamp had been working that evening but there had been an ongoing problem with the headlamp blowing out. He stated that in the previous 6 weeks to being stopped he had had the headlamp replaced on 4 occasions. This problem had now been fixed.

In summing up, Mr Rodgers said he was very sorry for the incident. As a result of this he had received 3 penalty points on his DVLA driver's licence and a fine which had made him think about checking his tyres more regularly.

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

1. Mr Rodgers' Private Hire driver's licence be continued with no further action because the Committee is satisfied that Mr Rodgers is a fit and proper person to hold such a licence, or
2. Mr Rodgers' Private Hire driver's licence be revoked as the Committee considers Mr Rodgers is not a fit and proper person to hold a Private hire driver's licence because he failed to maintain his vehicle in a roadworthy condition.

Members voted for these two options:

Option 1: Voting For: 10, 0 against, 0 abstentions

Option 2: Voting For: 0, 10 against, 0 abstentions

RESOLVED that Mr Rodgers' Private Hire driver's licence be continued with no further action because the Committee is satisfied that Mr Rodgers is a fit and proper person to hold such a licence.

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

9. DATE OF NEXT MEETING
5 July 2013

Garth Barnes

Chairman

Cheltenham Borough Council

Licensing Committee – 5th July 2013

Application for a Private Hire Vehicle Application

Mr David Paul Keffler

Report of Mrs Amelia Byres

1. Summary and Recommendation

- 1.1 An application for a Private Hire vehicle licence was submitted by Mr Keffler on the 12th June 2013.
- 1.2 The application is to license a Blue BMW X5, registration number SH04 CTZ, first registered on the 23rd April 2004.
- 1.3 The vehicle, being registered as new in 2004, is older than the maximum permitted age limit of 5 years from date of manufacture.
- 1.4 For the reason above, the application has been referred to the Committee for determination.
- 1.5 **The Committee is recommended to resolve that:**
 - 1.5.1 **The application be granted because the Committee considers there to be sufficient grounds to deviate from the adopted policy; or**
 - 1.5.2 **The application be refused because the vehicle does not comply with the Council's adopted policy.**
- 1.6.1 Financial

Contact officer: Sarah Didcote
E-mail: sarah.didcote@cheltenham.gov.uk
Tel no: 01242 26 4125
- 1.6.2 Legal

The Council has an agreed and adopted a policy that details the standards that are required in respect of new and existing Private Hire Vehicles. The Council can depart from its own policy where there are reasonable grounds for departing from its own policy.

Contact officer: Vikki Fennell
E-mail: vikki.fennell@teWKesbury.gov.uk
Tel no: 01684 27 2015

2. Background

- 2.1 The Council's adopted Licensing Policy, Guidance and Conditions for Private Hire and Taxis Operating within the Borough of Cheltenham was adopted on the 3rd of September 2010 and

came into effect on the 1st of December 2010. Sections of that policy were amended and the amendments were adopted on the 13th May 2011.

- 2.2 The aim of the licensing process, in the context of the policy, is to regulate the Hackney Carriage and Private Hire trade in order to promote the below objectives.
- 2.3 In setting out its policy, the Council seeks to promote the following objectives:-
- a) The protection of the public;
 - b) The establishment of a professional and respected Hackney Carriage and Private Hire trade;
 - c) Access to an efficient and effective public transport service;
 - d) The protection of the environment.
- 2.4 The Policy will apply in respect of applications, renewals, reviews and transfers in relation to the following licences:-
- a) Private Hire vehicle;
 - b) Private Hire driver;
 - c) Private Hire operator;
 - d) Hackney Carriage driver; and
 - e) Hackney Carriage proprietor.

Vehicles

2.5 Vehicle standards for all new licences issued for Private Hire Vehicles

- a) *Maximum age limit of 5 years old at date of manufacture;*
- b) Minimum interior dimensions to ensure ease and comfort of passengers.

3. Licensing Comments

3.1 Mr Keffler has submitted the following statement in support of his application

It is the policy of Cheltenham Borough Council that "vehicles shall be no more than 5 years old from date of manufacture at the time of first application" for a private hire license.

The policy does, however, allow the council's Licensing Committee to deviate from this guideline where there are sufficient grounds to do so. I would like to take this opportunity to explain why I believe there are sufficient grounds to deviate from the policy.

I am the owner of Azure Luxury Cars, which I established in January 2012. The aim of the company is to provide luxury transport for people who want a vehicle that is distinctive. To this end Azure has been operating a 1996 Brooklands Bentley for the last 18 months. This has provided luxury transport to people who have wanted a car that offered something different from the standard type of private hire vehicle. The types of work it has been used for are: birthdays, anniversaries, engagements, retirements, race days, transporting of corporate VIP's, freedom of the city celebrations, weddings and Cotswold tours.

Last November I was privileged to chauffeur **Pierce Brosnan** round the Cotswolds for a couple of days. [see **Appendix A**] He lives in California and was spending some time with his mother. He was very appreciative of the service I offered and was kind enough to say how much he appreciated the car, having been driven in many different types of vehicle over the years. In fact he said that he was likely to return because he loves the area and said he would request my services when he did. Moreover, he would be interested in a more discreet vehicle as well if I had one.

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This type of work has therefore helped boost the local economy by providing a distinctive vehicle for people to travel in. And you as the licensing Committee of CBC authorised me to do this when you considered that there were sufficient grounds to deviate from the council's 5 year rule when you heard my application for a license in January last year. Thank you... which brings me to my current application...

Whilst operating my new venture I have received several requests, like that from Pierce Brosnan, for a vehicle that whilst being luxurious is more discreet than the Bentley and is suitable to be driven in all weathers and conditions. A good example of this is a request I have had from Ian Coley, who recently received the MBE from HM the Queen for his services to the British Olympic shooting team, who won gold at the London Olympics last year. He has asked me if I can provide luxury four-wheel-drive transport for people who want to join his shooting parties. I would collect his clients from their houses/hotels and chauffeur them around for the day. Please see reference from Ian Coley [**Appendix B**]. By doing so I would be helping a local business grow by providing just the sort of transport its clients want. This is particularly true now that the gold medal has been won and interest in Ian Coley's shooting school is growing.

Other requests have come from local luxury hotels and businesses which can use the image of a discreet luxury vehicle for people who don't want a Bentley, to encourage people to stay in the area and so boost the local economy. A good example of this is people who want Cotswold tours from a vehicle where they can see the passing countryside better because they are positioned high-up. Local people have also requested such a vehicle for special events.

To buy a luxury four-wheel-drive vehicle that is under 5 years old and that includes the sort of luxury options customers require would cost in around £30k or more. This would make the venture economically unviable. This is true for the following reasons:-

- Azure does not operate like a normal private hire company, where the vehicle is on the road for 8 hours of most days of the week. It therefore does not have the volume of business to cover the cost of a £30k vehicle.
- The Chancellor has reduced the amount of tax relief when buying a car for private hire use down from 100% of the purchase price in 2009 to 8% this tax year. In cash terms this represents a loss of cash to the business in the first year of use of £12,000 on a £30,000 vehicle.

So, instead I would like to license a BMW X5 Please see pictures [**Appendix C**] that does have the following sought after options: Sat Nav, TV, DVD, 4 heated seats, Electric seats, Auxiliary heating system, Sun protection glass. Now this car is 9 years old but:-

- The Council's policy of 2010 was introduced to ensure the safety of vehicles that clock up between 40,000 and 90,000 miles per annum. The Azure BMW would not clock up this mileage and even if it did an X5 is capable of taking this level of usage due to the solidity with which they are built.
- Being a BMW it is built to last. Its condition inside and out is exceptional.
- Its mileage is only 85,000; which equates to 9,000 miles a year. The MoT's I have for it substantiate this figure.
- It has been serviced at BMW dealerships since new and I will continue to service it at the BMW dealership in Cheltenham.
- The car has just passed its extensive Private Hire MoT test at the Council's testing centre.

I therefore hope that the facts I have presented to you will give you sufficient clear and compelling grounds to allow you to deviate from the council's adopted policy on the following grounds:-

- The vehicle will help the local economy by allowing local businesses to market the enhanced benefits such a vehicle will offer to clients considering coming to Cheltenham
- Local people and companies will also be able to hire it for special occasions, thereby enhancing the local economy
- A BMW X5 which is under 5 years old would be un-economic because it wouldn't be on the road 8 hours a day most days of the week and it only attracts tax relief of 8% per annum

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- Although the car I wish to license is 9 years old it won't clock up 40,000 plus miles per annum, it was built to last, it has and will continue to have a complete BMW service history and it has just passed the council's rigorous MoT test.

[Mr Keffler's statement ends here]

- 3.2 With regards to suitable mechanical condition, the vehicle passed a MOT and fitness test on the 12th June 2013. A copy of the MOT and fitness Certificate is attached at **Appendix D** of this report.
- 3.3 Mr Keffler has been sent a copy of this report and invited to attend this meeting to speak in support of his application and to answer members' questions or to be represented. In considering the application on its own merits Members should have regard to the adopted Probity Guide
- 3.4 Although the Committee can deviate from its own adopted policy, it should only do so where there are strong and defensible reasons for doing so

Background Papers

Service Records

Contact Officer

Mrs Amelia Byres, Senior Licensing Officer
01242 775200
licensing@cheltenham.gov.uk

Appendix A



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Appendix B

Reference from Ian Coley in support of Azure's BMW X5 License Application

I can personally recommend David Keffler's Azure Luxury Car business, which provides a first class chauffeur service. My family and I used him to take us to Windsor Castle to receive my MBE from HM The Queen and his attention to detail was excellent. His Bentley is ideal for friends or relatives of our shooting clients who would like a tour round the Cotswolds whilst their partner shoots with us.

However, we would like to develop our relationship with Azure into areas where a vehicle that whilst being luxurious is more discreet than the Bentley and is suitable to be driven in all weathers and conditions. One example of this is luxury four-wheel-drive transport for people who want to join our shooting parties. If Azure had such a vehicle they could collect my clients from their houses/hotels and chauffeur them around for the day. By doing so Azure would be helping my business grow by providing just the sort of transport my clients want.

Ian Coley MBE

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Appendix C



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HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE - CERTIFICATE OF COMPLIANCE

Form No. 4693

NAME: _____

REG. NO:

S H O 4 C T Z

ADDRESS: _____

PLATE NO:

NEW APP.

MOT TEST NO:

LICENCED BY:

CHELTENHAM

MAKE:

BMW

First Reg:

23/04/2004

MOT Exp. Date:

11/06/2014

Fuel Type:

DIESEL

Engine cc:

2943

MODEL:

X5

Mileage:

86312

No. of Seats:

NEW APP.

Colour:

BLUE

TESTABLE ITEM	Satisfactory			Nature of Defect
Bodywork — condition	No	Yes	N/A	
Damage Free		/		
Sharp Edges		/		
Cleanliness		/		
Body Fittings				
Faremeter secure & cables			/	
Tariff card displayed			/	
Fire extinguisher		/		
Radio secure & cables			/	
External plate fixed on vehicle rear			/	
Taximeter illumination when meter engaged			/	

TESTABLE ITEM	Satisfactory			Nature of Defect
Condition of interior	No	Yes	N/A	
Seats		/		
Carpets		/		
Glass		/		
Body Fittings				
ADVISE VEHICLE IS AN A.W.D. (4.W.D). SIMILAR IN SIZE TO A LAND ROVER				
First Aid Kit & No-Smoking Sticker		/		
Bus lane sticker - Private Hire			/	
HC Top Light Illumination			/	
Luggage Restraint			/	
Front window badge displayed			/	
Test mile accuracy of meter			/	

Notice of Failure

FAIL

- For the reasons shown above and per VT30
- Because the test cannot be completed
- Warning In my opinion the vehicle is DANGEROUS because of the defects shown above and must not be used for hire and reward until rectified.

Date.....

PASS

On 1st Presentation

After Re-test

CHELTENHAM BORO COUNCIL
CENTRAL DEPOT
SWINDON ROAD
VTS 31910

Date 12/06/13

Garage Embossing

This vehicle has been found to be suitable use as Private hire/Hackney carriage.

SUBJECT TO VEHICLE LICENSING APPROVAL.

Signed.....

Date 12/06/13

Name of Tester..... K BUS

MOT Test Certificate

NOSN 

Vehicle & Operator Services Agency

Vehicle Registration Mark

MOT Test Number
159193663195

Make

BMW

Model

X5

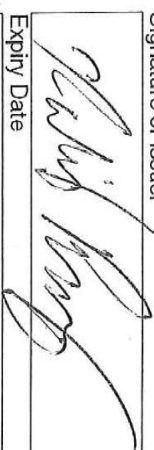
Colour

BLUE

Issuer's name

K. L. BUSS

Signature of Issuer



Expiry Date

JUNE 11th 2014
(FOURTEEN)

Additional Information

To preserve the anniversary of the expiry date the earliest you can present your vehicle for test is 12/05/2014

Want a reminder? Text MOT No. to 66848. Cost £1.50. Subscribing confirms acceptance of T&Cs. Go to www.direct.gov.uk/motreminders for information.

Inspection Authority

UBICO LIMITED
CENTRAL DEPOT
SWINDON ROAD
CHELTENHAM
GL51 9JZ

01242264184

Test Station

81910

An executive agency of the

Department for

Transport

Advisory Information

Advisory Items

- 001 Front Sub-frame corroded but not seriously weakened [2.4.G.1]
- 002 Under-trays fitted obscuring some underside components
- 003 Engine covers fitted obscuring some components in the engine bay

About this document

- 1 This document is a receipt style certificate telling you that an MOT Test pass result has been recorded on The Vehicle & Operator Services Agency's (VOSA's) database of MOT Test results; this may be verified at www.direct.gov.uk/yourmotcheck
 - 2 A test certificate relates only to the condition of the components examined at the time of test. It does not confirm the vehicle will remain roadworthy for the validity of the certificate.
 - 3 Check carefully that the details are correct.
 - 4 Whilst advisory items listed above do not constitute MOT failure items they are drawn to your attention for advice only.
 - 5 For further information about this document please visit www.direct.gov.uk/mot or contact VOSA on 0300 123 9000*.
- *Your call may be monitored or recorded for lawful purposes.

Briefing Notes

This note contains information to keep Members informed of matters relating to the work of the Committee but where no decisions from Members are needed.

If Members have questions relating to matters shown, they are asked to contact the Officer indicated.

Probity in Licensing

At the request of Members of the Licensing Committee, below is the relevant extracts from the adopted Probity in Licensing guide in so far as it relates to voting and impartiality.

The extract below sets out the principles that Members of the committee should apply when determining any application before it.

General

The Licensing Committee operates in a quasi-judicial way in determining contentious licensing applications, policy issues and related matters.

The decisions that the Committee makes are significant and weighty. The Committee operates, for the most part, under its extensive delegated powers and it, rather than any other part of the Council, actually makes the decisions.

The decisions can have a considerable effect on the value of premises or other capital assets, on the amenities of people living near licensed premises and on the lives of applicants. Furthermore if the Committee makes a wrong or irrational decision this may mean that the Council will face substantial costs if there is a successful appeal against the decision or if the decision is the subject of a legal challenge from an aggrieved third party.

Some licensing legislation specifies procedures to be followed but in all cases human rights and natural justice considerations dictate that the Committee adheres to the following principles in that decisions must:

- Be made on the individual merits of a case
- Have regard to all relevant national and local guidance
- Be made impartially and in good faith
- Be made by the body that receives all the relevant information and evidence
- Relate to the issue or question placed before the committee
- Be based only on consideration of relevant and material matters
- Be rational and reasoned
- Be made in a way that does not give rise to public suspicion or mistrust

Voting and Impartiality

1. Licensing Committee Members must vote in the best interests of the Borough as a whole and must not vote on the basis of local ward interests that may be contrary to a balanced

licensing assessment in the light of the evidence before the members and wider policies and guidance.

2. Members of the Licensing Committee must not declare which way they intend to vote in advance of the consideration of an application by the Committee.
3. If a Member of the Licensing Committee declares support for or opposition to a proposal before the matter has been put before the Committee, the Member must make an open declaration of their views to the Committee and take no part in the consideration of and voting on that particular item.
4. Committee Members who are also members of a Parish Council or County Councillors must exercise particular care in reconciling their two roles.

Parish Councillors who are also committee Members are advised to abstain from both the debate and voting at the Parish Council. If a Member does declare his or her support for or opposition to a licensing proposal at a Parish Meeting or elsewhere they must make an open declaration to the Borough Council's Licensing Committee to that effect and take no part in the voting and debate on that item, and leave the meeting.

County Councillors who are also committee Members should, as a general rule, declare an interest in any applications either made by the County Council or by third parties in relation to County Council premises or land.

5. Licensing Committee Members should not organise support for or against a Licensing application and should not lobby other Councillors.
6. Licensing Committee Members must not favour or show bias against any particular person, company or group, or any particular site or locality in respect of licensing matters.

A full copy of the Council's Licensing Committee Probity in licensing is available on the Council's website.

Contact Officer: Louis Krog
Tel No: 01242775004
Email: louis.krog@cheltenham.gov.uk