

# Cheltenham Borough Council

## Licensing Committee – 6<sup>th</sup> December 2023

### Application for a Private Hire Vehicle Proprietor's Licence – O'Loughlin

#### Report of the Team Leader Licensing

#### 1. Executive Summary and Recommendation

- 1.1 **A new private hire vehicle application must meet all requirements of the council for such an application and is required to be less than 5 years old at time of application.**
- 1.2 The details of this case are included at ANNEX 1. A specific vehicle is given, as the applicant has already completed the purchase. This vehicle is approximately 6 and a half years old.
- 1.3 The applicant asks the sub – committee to depart from policy on the required age of the vehicle. He states that he was unaware of the council's age policy, but more importantly he suggests that the vehicle is of a very high standard and has been comprehensively maintained. He provides various paperwork at ANNEX 2 and a supporting letter at ANNEX 3 to back up that assertion.
- 1.4 If Members are convinced that this vehicle should be considered as being of an exceptional standard for its age, and therefore the considerations that sit behind the council's vehicle age policy are still promoted, then it is open to Members to depart from policy.
- 1.5 The age policy would have been aimed at ensuring vehicles entering the licensed trade are of a high standard on first licence. However, it could be argued that other factors may influence the consideration of whether a vehicle is of a high standard – such as total mileage, previous usage, number of previous keepers, service history and generally whether the vehicle has been 'looked after'.
- 1.6 The sub-committee is asked to consider the matter and determine whether to:-
- It gives delegated authority to officers to grant the application for the vehicle concerned or
  - Refuse the application on the basis of the age of the vehicle.
- 1.8 Members should give clear and cogent reasons for their decision, particularly if it conflicts with council policy.
- 1.9 **Legal Implications** There is a right of appeal against a refusal to grant a licence which, in the first instance, is to the Magistrates' Court.

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#### 2. Policy Considerations

- 2.1 Decision making in relation to licensing is an onerous duty, dealing with both the livelihood of the licensee/applicant and the risks to the safety and comfort of the public.
- 2.2 Each case will be decided on its own merits. The authority will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision.
- 2.3 Any vehicle application must be supported by a valid MOT and council fitness test.

2.4 The council has adopted a local policy to reflect the manner in which it will carry out its licensing responsibilities under the hackney carriage and private hire legislation. The committee must have regard to this policy in making its decision, but it may depart from it where it is considered appropriate to do so. If the committee do depart from it they should provide cogent reasons for doing so.

2.5 The age policy that vehicles must be not older than 5 years old at point of application is a local standard and across councils there are varying approaches to promoting a high standard of vehicles on first licence.

### **3. Licensing Comments**

3.1 The council will need to be convinced that the vehicle proprietor has strong and convincing reasons for this vehicle being considered as being of the same standard or better than the average vehicle that is 5 years old or less.

3.2 If Members are convinced on this case, they must provide clear reasons for departing from policy.

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**ANNEX 1**

**Case Specifics**

**Name of applicant: Mr Patrick O'Loughlin**

**Vehicle registration number: WF17ROU**

**Uniform case reference number: 23/01726/PHIRVA**

**New vehicle details: Mercedes E220**

**First registered: 31.03.2017**