

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.

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

- 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