

**LICENSING PANEL
7 DECEMBER 2011
2.05 - 2.45 PM**



Present:

Councillors Thompson (Chairman), Brossard and Kensall

In attendance:

Mr Bull, Legal Adviser to the Panel

Ms Kelly, Licensing Officer

Miss Roden, Democratic Services Officer

Appellant, Licensed Private Hire Driver (Mr D)

9. Declarations of Interest

There were no declarations of interest.

10. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties had noted and understood the procedure to be followed at the hearing.

11. Exclusion of Public and Press (S100A)

RESOLVED that pursuant to section 100A of the Local Government Act 1972, as amended, members of the public and press be excluded from the meeting for consideration of item 4 which involved the likely disclosure of exempt information under category 1 of Schedule 12A of that Act:

- (1) Information relating to any individual

12. Report on Licensing Private Hire Driver (Mr D)

An appeal was submitted to the Licensing Panel against an officer decision to refuse to licence a vehicle, a Peugeot 406 as a private hire vehicle beyond 18 November 2011. The hearing was attended by the appellant.

Private Hire Licence's are subject to the following condition:

"The maximum age of a vehicle that may continue to be licensed is 8 years from the date of first registration for a saloon and estate vehicles and 10 years for a purpose built- Hackney Carriage "

The vehicle under consideration, a Peugeot 406 was first registered on 13 September 2002.

For the vehicle to be exempted from the above condition and for it to continue to be licensed beyond 18 November 2011, the appellant would need to persuade the Panel that the vehicle had covered an abnormally low mileage and was in an exceptional condition.

The Panel gave careful consideration to the papers before them, heard and considered oral representations from the appellant and Ms Kelly.

The Panel decided **not to uphold the appellant's appeal** for an exemption in respect of the age limit condition, for the following reasons:

- The Panel were not satisfied that your vehicle was in exceptional condition, or that your vehicle had travelled an abnormally low mileage. The Panel noted that your mileage was 240,323 on 14 October 2011. You confirmed to the Panel at the hearing that the licensed vehicle had now travelled 245,000 miles.
- The age, mileage and condition of your vehicle were not satisfactory; the vehicle licence had been extended previously and the vehicle was now over nine years old. The Panel found no basis for a further extension of the vehicle licence.
- The Panel could only uphold your appeal if both the criteria of; your vehicle being in an exceptional condition and your vehicle having travelled an abnormally low mileage were met. As your vehicle did not meet either of these criteria, the Panel concluded they could not uphold your appeal. Further, there was no evidence before the Panel to rebut the Licensing Officers recommendation following an inspection, that the car was not in exceptionally good condition or that the mileage was abnormally low.

The Chairman advised the appellant that he had a right of appeal to the Magistrate's Court within 21 working days against the Panel's decision.

CHAIRMAN