

**LICENSING PANEL
15 FEBRUARY 2012
10.30 - 11.51 AM**



Present:

Councillors Brossard (Chairman), Davison and Finch

In Attendance:

Mr A, Appellant's Representative
Simon Bull, Legal Adviser to the Panel
Sue Walker, Licensing Officer
Priya Patel, Democratic Services Officer

5. Declarations of Interest

There were no declarations of interest.

6. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties understood the procedure to be followed for the hearing.

7. 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

8. Report on Licensed Private Hire Vehicle

At the hearing, the Panel gave careful consideration to the papers before them, including the five page written statement submitted at the hearing by Mr A on the appellant's behalf. The Panel also heard and considered oral representations from Mr A and Mrs Walker. The written submission from the appellant was carefully considered by the Panel and taken into account both at the hearing and whilst arriving at their decision. The Panel also were mindful that the appellant's representative, Mr A, attended the hearing without the benefit of legal or trade representation.

The Panel decided not to uphold the appeal for an exemption in respect of the age limit conditions, therefore the private hire licence was revoked.

The Panel made their decision based on the following reasons:

The Panel did not accept that the vehicle was in exceptional condition, or that the vehicle had travelled an abnormally low mileage. The Panel took into account that a discrepancy existed in the recorded mileage of the vehicle and concluded that the vehicle had travelled in excess of 300,000 miles and this was accepted by the appellant's representative Mr A to be correct. It was noted that the mileage was 294,364 on 29 June 2011, whilst on 3 November 2011 it was 210,226. Mr A advised the Panel that this was a result of the vehicle being in an accident and the dashboard being replaced, using parts from a donor vehicle. The Panel felt that the importation of a mileometer which was not re calibrated to the actual mileage at the point of transfer was a matter of concern and asked that this be taken on board and measures be put into place to ensure that this practice did not happen again in the future.

- The Panel found it to be unacceptable that parts from a donor vehicle had been used in this way to replace the true recorded mileage of the vehicle and that the Panel's disapproval be taken on board and acted upon within the organisation.
- In addition, the Panel found that there was no evidence of the vehicle having been regularly serviced and maintained, despite Licensing Officers requesting this information. The Panel felt that a person who was appealing on grounds of exceptional condition would have supplied qualitative evidence of the condition of their vehicle through the provision of service and maintenance records. The Panel also see it as incumbent upon the appellant to fully understand and comply with the conditions of his licence.
- The Panel felt strongly that public safety was paramount in this matter and that the age and condition of the vehicle did not satisfactorily ensure public safety.
- The Panel could only uphold the appeal if both the criteria of; the vehicle being in an exceptional condition and the vehicle having travelled an abnormally low mileage were met. As the vehicle did not meet either of these criteria, the Panel concluded they could not uphold the appeal. Further, there was no qualitative 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.

CHAIRMAN