

Minutes of the meeting of the LICENSING AND
APPEALS HEARINGS PANEL held at 1.00 pm
on Tuesday, 20th June, 2017 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor M A Barningham (in the Chair)

Councillor R A Baker

Councillor P Bardon

Also in Attendance

Councillor D Hugill

LAHP.2 **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE,
CARLTON CARS (N YORKS) LTD**

The subject of the decision:

The Director of Law and Governance asked the Panel to consider whether to grant or refuse an application for the renewal of a private hire vehicle licence.

Alternative options considered:

The Panel considered granting the application but concluded that the applicant had not demonstrated that the specific circumstances of the case were sufficient to justify departing from the Council's Hackney Carriage and Private Hire Licensing Policy.

The reason for the decision:

The Panel considered the officer's report, the applicant's representations, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel noted that the vehicle in question satisfies the mechanical standards set out in the Council's policy. However, the vehicle reached the general ten year age limit (as prescribed by the policy) in October 2014. The Panel noted that the age limit was adopted in order to promote public safety, reliability and improved high standards of hackney carriage and private hire services in the district.

The applicant relied upon his business model to demonstrate justification for an exception to be made to the general age limit prescribed by the Council's policy. The applicant indicated that his private hire operation exclusively involves school contract work. The applicant also informed the Panel that his vehicles are generally older and purchased at lower prices than other licensed vehicles. He also indicated that his vehicles are never seen on taxi ranks and are not used for social and domestic purposes. The applicant indicated that several of his contracted routes include rural areas with roads in poor condition and involve transporting children who, on occasions, fail to treat the vehicles with respect.

The Panel was satisfied that private hire vehicles licensed by the Council are frequently used to undertake school contract work. The Panel also noted that private hire vehicles are not permitted to ply for hire on a taxi rank. The Panel concluded that the rural nature of the applicant's journeys are not unique within the district and that any disobedience on the part of the applicant's customers would be in keeping with the behaviour experienced by other licensed operators.

The Panel was satisfied that the applicant's passengers were entitled to expect the same standard of safety, reliability and comfort as any other passengers travelling within licensed vehicles in the district. Therefore, the Panel was not satisfied that an exception should be made on the basis of the applicant's clientele.

The applicant made reference to a number of contracts awarded to the applicant by North Yorkshire County Council due to expire in 2018 and 2019. The Panel noted that the contracts were awarded prior to the Council's decision to revise its Hackney Carriage and Private Hire Licensing Policy which introduced the general age limit for licensed vehicles with effect from 1st January 2017. The Panel was satisfied that the Council delayed the implementation of the general age limit in order to give the trade sufficient time to manage any financial impact. The Panel was also satisfied that the applicant has been aware of the new policy for at least 16 months. The Panel concluded that the applicant has had sufficient time to ensure compliance with the Council's policy and that his agreements with North Yorkshire County Council do not amount to exceptional circumstances in the context of this application.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence, the Panel was not satisfied that the application could be granted without having a detrimental impact on the policy objectives. Therefore, the Panel decided to refuse the application on the grounds of any reasonable cause in accordance with Section 60 of Local Government (Miscellaneous Provisions) Act 1976.

The meeting closed at 1.55 pm

Chairman of the Panel