

Minutes of the meeting of the LICENSING AND
APPEALS HEARINGS PANEL held at 9.30 am on
Monday, 30th October, 2017 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor M A Barningham (in the Chair)

Councillor D M Blades

Councillor Mrs J Watson

LAHP.15 **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE,
CARLTON CARS (N YORKS) LTD - PH76**

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 specific circumstances of the case were not sufficient to justify a departure 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, copies of five letters awarding contracts provided by the applicant and accompanying documentation and the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel noted that the policy generally opposes the grant of a licence in respect of vehicles over the age of ten years. The Panel noted that the vehicle in question was first registered 15 years and 3 months ago. The Panel noted that the vehicle in question met the mechanical standards set out by the policy.

The applicant indicated that his private hire business relied exclusively on school contract work. The applicant informed the Panel that his business model would provide sufficient grounds to justify making an exception to the general age limit prescribed by the Council's policy.

The applicant made reference to five contracts awarded to the applicant by North Yorkshire County Council and which are due to expire in 2018 and 2019. The applicant informed the Panel that the tenders for the school contracts were won prior to the implementation of the age limit and were based around a business model of using older vehicles.

The applicant informed the Panel that some of his contracts involved journeys to rural areas of the district and that his passengers would often have muddy feet.

The Panel noted that many hackney carriage and private hire vehicles licensed by the Council are frequently used to undertake school contract work. The Panel concluded that rural journeys are commonplace within the district of Hambleton and therefore would not constitute exceptional circumstances in this regard.

The Panel noted that the school contracts were awarded prior to the Council's implementation of the general age limit for licensed vehicles which took effect from 1st January 2017. However, the Panel was satisfied that the applicant had been aware of the new policy for at least 18 months and therefore had had sufficient notice of the revised provisions. The Panel also noted that the applicant had purchased the vehicle in October 2016 (several months after the policy had been adopted).

The Panel noted that the applicant did not make his vehicle available for a visual inspection. However, the Panel did consider the documentation provided within the officer's report including the recent mechanical inspection and MOT history.

The Panel was satisfied that the applicant was committed to ensuring that his vehicles met the requisite safety criteria when it was necessary to do so in order to pass mechanical inspections. However, the Panel noted that the advisory notice items contained in the MOT dated 18th September 2017 were not given any immediate attention. The Panel concluded that the vehicle was maintained to the minimum regulatory standards and cannot therefore be regarded as exceptionally well-maintained.

Ultimately the Panel was asked to consider whether or not to grant a licence in respect of a vehicle that exceeded the general age limit prescribed by the Council's policy.

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 Panel was not satisfied that the licence could be granted without having an adverse impact on the policy objectives.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence, 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 10.05 am

Chairman of the Panel