

Minutes of the meeting of the LICENSING AND APPEALS HEARINGS PANEL held at 10.05 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.16 **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE, CARLTON CARS (N YORKS) LTD - PH79**

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 letters awarding five contracts provided by the applicant and the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel noted that the Council's policy generally opposed 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 14 years and 3 months ago. The Panel noted that the vehicle in question met the mechanical standards set out by the policy.

The applicant made reference to a previous decision of the Panel in relation to a third party's application to renew a vehicle licence. The Panel concluded that any previous decisions of the Panel were not relevant considerations as each application must be determined on its individual merits.

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 a number of contracts awarded to the applicant by North Yorkshire County Council 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 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.

The applicant informed the Panel that he was under a contractual obligation to deliver the services he had successfully tendered for and that the refusal of the vehicle licence would be unreasonable on the basis he would need to invest in newer, more expensive vehicles. The Panel had not been provided with copies of the terms and conditions of the contracts, however, the applicant informed the Panel that the only mechanism he had to get out of his contractual obligations was to declare his company insolvent. 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 and to take appropriate steps.

The applicant informed the Panel that all his licensed vehicles were used to deliver his school contracts and, due to the relatively low value of the contracts, it is difficult to reallocate the contracts onto other operators. The Panel noted that many hackney carriage and private hire vehicles licensed by the Council were frequently used to undertake school contract work. The Panel concluded that the applicant's business model was not sufficient to justify making an exception to the policy.

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 was concerned about the condition of the vehicle at other times during the licence. The Panel concluded that the MOT history demonstrated a degree of neglect in relation to any mechanical defects that would not warrant a failure of a MOT test. 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 10.40 am

Chairman of the Panel