

Minutes of the meeting of the LICENSING AND
APPEALS HEARINGS PANEL held at 9.30 am on
Monday, 22nd January, 2018 at Main Committee
Room, Civic Centre, Stone Cross, Northallerton

Present

Councillor M A Barningham (in the Chair)

Councillor K G Hardisty

Councillor N A Knapton

LAHP.21 **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE -
JEFF COHEN - PH2**

All Wards

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, a Mercedes E220 registration mark KU57 PNY.

Alternative options considered:

The Panel considered refusing the application but concluded that the specific circumstances of the case were 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, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel noted that the vehicle in question satisfied 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 September 2017.

The Panel noted that Mercedes is recognised as a manufacturer of luxury vehicles. The applicant informed the Panel that the vehicle is serviced every 12,000 to 13,000 miles and, in any event, before a service is due in accordance with the manufacturer's recommendations. The applicant told the Panel that in order to justify his fares he must provide a higher standard of vehicle than his competitors. The applicant stated that maintaining a good reputation was crucial for his business and therefore if the vehicle becomes "tired and scruffy" it would be replaced.

The applicant invited the Panel to consider the exceptional circumstances of his case on the basis of the vehicle's quality, appearance and condition.

The Panel considered the vehicle's MOT history. The Panel acknowledged that, since the applicant took ownership of the vehicle, all MOT tests had been passed with very few advisory notice items recorded and regular services had been carried out. The Panel was therefore satisfied that the mechanical condition of the vehicle was maintained to a high standard.

The Panel inspected the vehicle and was impressed by its appearance. The Panel was therefore satisfied that the quality of the vehicle would surpass the expectations of the travelling public.

The Panel noted the relatively high mileage of the vehicle but the Panel was satisfied that not only was the vehicle maintained to an exceptionally high standard but that the vehicle would be replaced if and when necessary.

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.

In conclusion, the Panel was satisfied that the mechanical condition of the vehicle, the quality of the vehicle and its appearance would adequately promote the Council's policy objectives in relation to standards, reliability and safety of licensed vehicles.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence, the Panel was satisfied that the application could be granted without undermining the policy objectives. Therefore, the Panel decided to grant the application.

The meeting closed at 10.05 am

Chairman of the Panel