

Minutes of the meeting of the LICENSING AND  
APPEALS HEARINGS PANEL held at 9.30 am on  
Wednesday, 9th January, 2019 at Main Committee  
Room, Civic Centre, Stone Cross, Northallerton

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Present

Councillor M A Barningham (in the Chair)

Councillor K G Hardisty                      Councillor R Kirk

Also in Attendance

Councillor A Wake

LAHP.25 **APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE VEHICLE  
LICENCE - MR ALAN JONES - HC77**

**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 hackney carriage vehicle licence.

**Alternative options considered:**

The Panel considered the options at paragraph 5.1 of the Director's report but, as it was not satisfied 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 Panel could not grant the application.

**The reason for the decision:**

The Panel considered the Director'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 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 on 17 December 2008. The Panel also noted that the vehicle met the mechanical standards set out by the policy.

The Panel considered the documentation provided within the officer's report including the recent mechanical inspection and MOT history.

The applicant informed the Panel that he owns another licensed vehicle which he uses primarily. The applicant stated that the vehicle subject to this application was used as a standby for his main vehicle in the event of a breakdown. The applicant also informed the Panel that the vehicle was also used by another licensed driver four days a week.

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 concerned by some of the information contained within the MOT history. The Panel noted that in December 2018 five major defects caused the vehicle to fail its MOT test with a further four advisories. The following day, the vehicle passed its MOT test but was still subject to two advisory notice items.

The Panel was satisfied that the applicant is committed to ensuring that his vehicles meet the requisite safety criteria when it is 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 some 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.

The Panel noted that the make of the vehicle was not a luxury brand and that the vehicle had a relatively high mileage.

The Panel noted that the applicant is not seeking a departure from the policy on the basis of the condition, quality or mechanical fitness of the vehicle. The application was made on the basis of the applicant's financial circumstances.

The applicant told the Panel that he had intended to replace the vehicle, however, due to financial restraints, he would be unable to do this until May 2019. The Panel was satisfied that the applicant had been aware of the new policy for over two years and therefore had had sufficient notice of the revised provisions. The Panel also noted that the applicant had acquired the vehicle in January 2018 (a year after the policy had been adopted).

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

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Chairman of the Panel