

Minutes of the meeting of the LICENSING AND
APPEALS HEARINGS PANEL held at 9.30 am
on Wednesday, 17th April, 2019 at Meeting
Room 3, Civic Centre, Stone Cross, Northallerton

Present

Councillor M A Barningham (in the Chair)

Councillor D M Blades

Councillor D Hugill

LAHP.30 **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE -
JEFF COHEN - PH58**

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 E280 registration mark NU58 MTX.

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 2018.

The Panel noted that Mercedes is recognised as a manufacturer of luxury vehicles. The applicant informed the Panel that the vehicle is serviced regularly and that since acquiring the vehicle it has had no advisory notices on its MOT. The applicant told the Panel that in his business model he only acquires high quality luxury vehicles and that where a vehicle has become "scruffy" (even when if it is a relatively new vehicle and less than 10 years old) it is replaced. The applicant told the Panel that the safety of his passengers is a paramount consideration when acquiring and maintaining a vehicle. The applicant told the Panel that the vehicle is used for corporate and private clients and school contract work.

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 applicant indicated that the vehicle had a full leather interior (not artificial leather) and was often the subject of compliments from passengers. The applicant assured the

Panel that granting the licence for one more year would not reduce the quality of his fleet.

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 no advisory notice items recorded since September 2016 and that regular services had been carried out. The Panel was therefore satisfied that the vehicle was exceptionally well maintained.

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 10.10 am

Chairman of the Panel