

Present

Councillor R Kirk (in the Chair)

Councillor M A Barningham

Councillor K G Hardisty

LAHP.7 Application for the Renewal of a Private Hire Vehicle Licence

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 a new hackney carriage vehicle licence, a Ford Mondeo, registration mark YG65 VSM.

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, 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 five year age limit (as prescribed by the Policy) in September 2020.

The applicant invited the Panel to consider the exceptional circumstances of his case on the basis of the vehicle's condition and the financial impact of the COVID-19 pandemic.

The Panel considered 11 images provided by the applicant and concluded that, although the vehicle could not reasonably be described as a luxury vehicle, it did appear to be in good condition.

The applicant informed the Panel that the vehicle had previously been used as a taxi licensed by Hambleton District Council and had therefore been subject to frequent testing and servicing. The Panel noted that the last recorded mileage for the vehicle was 196,971.

The Panel considered the vehicle's MOT history and noted that, prior to satisfying the legal standards for each of the last two years, the vehicle had failed its MOT test. The Panel acknowledged that those tests were carried out before the applicant acquired the vehicle from the previous owner.

The Panel noted that the vehicle recently satisfied the mechanical standards set out by the policy. However, on the basis of the MOT history, the Panel concluded that the vehicle had previously been maintained to the minimum regulatory standards and therefore could not reasonably be described as exceptionally well-maintained.

The applicant informed the Panel that, due to the financial impact of the COVID-19 pandemic, he was unable to afford a vehicle that complies with the Council's five year age limit.

The applicant confirmed that he was aware of the policy age limits when he purchased the vehicle in question and he did not make any enquiries with the Licensing Team in this regard.

The Panel noted that the Council's Hackney Carriage and Private Hire Licensing Policy took effect in January 2020 following consultation with the hackney carriage and private hire trade in September 2019.

The policy generally opposes the grant of a licence in respect of vehicles over the age of five years and the Panel noted that the policy will be applied in the majority of cases but each application must be considered on its individual merits. The Panel acknowledged that it was entitled to exercise its discretion to allow exceptions where the applicant has demonstrated that the policy objectives can still be met and the specific circumstances justify a departure from the policy.

The Panel was not satisfied that a Ford Mondeo with a last recorded mileage of 196,971 and a history of mechanical defects could reach the required threshold on the basis of quality and condition.

The Panel considered the financial impact that the COVID-19 pandemic had on the applicant and, whilst it understood the challenges posed by the current situation, it did not find that the applicant's circumstances were exceptional. The Panel concluded that many individuals and businesses would be adversely affected by the pandemic and any general relaxation of the policy on this basis would be a matter for the full Licensing Committee.

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 concluded that the licence could not be granted in this instance without undermining the policy objectives.

The Decision:

Taking account of the above and having given appropriate weight to the evidence, the Panel decided to refuse to grant the application under section 37 of the Town Police Clauses Act 1847.

The meeting closed at 1.15 pm

Chairman of the Panel