

Present

Councillor R Kirk (in the Chair)

Councillor N A Knapton

Councillor P Thompson

LAHP.8 **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 the renewal of a private hire vehicle licence, a Mercedes E-Class vehicle registration mark LT59 CWR.

**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 10-year age limit (as prescribed by the policy) in September 2019.

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

The Panel noted that Mercedes was recognised as a manufacturer of luxury vehicles and, having considered the images provided by the applicant, the Panel was satisfied that the vehicle appeared to be in good condition. The Panel considered the vehicle's MOT history and was satisfied that the mechanical condition of the vehicle was maintained to a high standard. The Panel noted that the last recorded mileage for the vehicle was 106,989.

The Panel noted that the general 10-year age limit on licensed vehicles was adopted by the Council in April 2016. The applicant confirmed that he was aware of the policy revisions at that time.

The Panel also noted that, in January 2020, the Council further reduced the general age limit to eight years but any vehicles already licensed at that point were excluded from the revisions. The Panel was satisfied that the vehicle in question had therefore been allowed to remain licensed up to the age of 10 years by virtue of those arrangements.

The Panel also noted that, on 10 February 2020, the Council's Licensing and Appeals Hearings Panel resolved to renew the licence for a further 12 months in respect of the same vehicle despite it having already exceeded the general 10-year age limit.

The applicant informed the Panel that the vehicle had not changed much since February 2020 due to limited work during the coronavirus pandemic. The applicant indicated that the vehicle had been used for a school contract during that time and had recorded a mileage of around 9,000 miles in the last 12 months. The Panel noted that the mileage recorded between August 2018 and August 2019 (prior to the pandemic) was just under 10,000 miles.

The Panel considered the challenges posed by the COVID-19 pandemic but it did not find that the applicant's circumstances were exceptional in this regard. 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 was satisfied that the Council's policy generally opposes the renewal of a licence in respect of vehicles over the age of eight years (or 10 years in the case of vehicles licensed prior to 31st December 2019). The Panel noted that the policy was expected to be applied in most 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 had demonstrated that the policy objectives could still be met.

The Panel was satisfied that the age limit was adopted to promote public safety, to increase reliability and to improve the standard of hackney carriage and private hire services in the District.

The Panel was satisfied that the applicant had ample opportunity to replace the vehicle prior to it exceeding the general age limit and again after the Council exercised its discretion to depart from the policy in respect of the same vehicle 12 months ago. The Panel was not satisfied that a further extension could be justified in this instance and concluded that the renewal application could not be granted 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 the application.

The meeting closed at 9.53 am

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Chairman of the Panel