

Present

Councillor R Kirk (in the Chair)

Councillor N A Knapton

Councillor A Wake

LAHP.10 **Application for the renewal of a Private Hire Vehicle Licence, Carlton Cars (N Yorks) Ltd - PH75**

All Wards

The Panel considered a request from the applicant to adjourn the hearing on the basis that additional information was not available prior to the hearing. The Panel was informed that the applicant had made freedom of information requests to the Council relating to other licensed vehicles, an employee and elected Members. The requests had all been responded to, however, the applicant was dissatisfied with the responses provided to two of the requests and indicated he would appeal those decisions. The applicant stated that he intended to draw comparisons between the vehicle subject to the application and other vehicles also over the age of ten years which had been granted by the Panel. The Panel was satisfied that the application would be considered on its individual merits and that information relating to other vehicles would not be relevant when determining this application. Therefore, the Panel refused the applicant's request for an adjournment and the Panel notified the applicant of the reasons.

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 in respect of an Audi A8 vehicle registration mark OY59 WLH.

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 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 vehicle satisfied the mechanical standards as set out in the Council's Policy. However, the vehicle reached the general 10-year age limit (as prescribed at paragraph 3.2.1 of 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, condition and specific reliability features.

The applicant referred to a previous decision of the Panel in relation to a third party's application to renew a vehicle licence. The Panel concluded that any previous decisions of the Panel were not relevant considerations as each application must be determined on its individual merits.

The Panel considered photographs of the vehicle which provided a visual inspection. The Panel also considered the documentation provided within the Director's report including the recent mechanical inspection and MOT history.

The Panel noted that the Audi A8 model was recognised as a luxury vehicle and, having considered the photographs provided by the applicant, the Panel was satisfied that the vehicle appeared to be in good condition. The Panel considered the vehicle's MOT and inspection history, and the applicant's maintenance records, and was satisfied that the mechanical condition of the vehicle was well maintained. The Panel noted that the last recorded mileage for the vehicle was 134,181. The Panel noted that the vehicle has permanent four-wheel drive and was satisfied that such a feature enhanced its reliability for passengers, particularly in adverse weather conditions given the rural nature of the district.

The applicant informed the Panel that, at times over the last year, his work had reduced by 75% as a result of the coronavirus pandemic. The applicant informed the Panel that this vehicle had previously been used for an executive business contract which had now ceased and had since been used as a spare vehicle for the applicant's school contract work.

The Panel considered the challenges posed by the coronavirus 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 consideration by the full Licensing Committee.

The Panel was satisfied that the Council's policy generally opposed 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.

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. 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 10.15 am

Chairman of the Panel