

Minutes of the meeting of the Licensing and Appeals Hearings Panel held at 9.30 am on Wednesday, 13th April, 2022 at Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor R Kirk (in the Chair)

Councillor M A Barningham

Councillor K G Hardisty

LAHP.19 **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 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 Panel considered photographs of the vehicle which provided a visual inspection. The Panel also considered the vehicle's 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 140,244. The Panel noted that, since the vehicle was considered 12 months ago, the increase in mileage was fairly low and noted the applicant's explanation that the vehicle was used as a spare for delivering school contracts. The Panel noted that the vehicle has permanent four-wheel drive and was satisfied that such a feature gave greater reliability for passengers, particularly in adverse weather conditions given the rural nature of the district.

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 10.05 am

Chairman of the Panel