

Minutes of the meeting of the Licensing and Appeals Hearings Panel held at 9.30 am on Thursday, 6th October, 2022 at Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor R Kirk (in the Chair)

Councillor P A James

Councillor D Watkins

LAHP.3 **Application for the Renewal of a Hackney Carriage Vehicle Licence – Mr Martin Coleman - HC242**

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 Renault Traffic vehicle registration mark P1 AFX.

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 ten-year age limit (as prescribed by the Policy) in August 2022.

The applicant invited the Panel to consider the exceptional circumstances of his case on the basis of the vehicle's condition and the difficulty in finding a suitable replacement vehicle.

The applicant informed the Panel that the renewal of the licence would enable the vehicle to be used as a reserve for school transportation in order to satisfy the requirements of a contract, which required an 8-seater vehicle to be kept on stand-by. The applicant acknowledged that, if the licence was granted, the vehicle would not be subject to any restrictions in terms of the journeys it would be permitted to undertake.

The Panel considered the impact that the recent 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 have been 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 last recorded mileage on the vehicle was over 300,000 miles, including 57,000 miles over the last two years. The Panel also considered the vehicle's MOT history, which identified several advisory notices and a number of major defects in recent years.

The applicant informed the Panel that the taxi operator now employs two full-time mechanics and assured Members that whatever work is needed on the vehicle would be done. The applicant also indicated that the mechanical fitness of the vehicle meets the required standard.

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 been maintained to the minimum regulatory standards and therefore could not reasonably be described as exceptionally well-maintained.

The Panel noted that the general ten-year age limit on licensed vehicles was imposed in April 2016 to promote public safety, reliability, comfort and improved high standards of hackney carriage and private hire service in the district. The applicant confirmed that he was aware of the policy age limits when he purchased the vehicle in question and the intention at that time was to replace the vehicle before it reached the age of 10 years.

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.

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 was not satisfied that a Renault Traffic with a mileage in excess of 300,000 and a history of mechanical defects could reach the required threshold on the basis of quality and condition.

The Panel concluded that the licence could not be renewed 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 renew the licence under section 60 of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting closed at 10.26 am

Chairman of the Panel