

Minutes of the meeting of the Licensing and Appeals Hearings Panel held at 9.30 am on Thursday, 30th March, 2023 at Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor R Kirk (in the Chair)

Councillor M A Barningham

Councillor J Noone

LAHP.9 **Application for the Renewal of a Private Hire Vehicle Licence, Carlton Cars (N Yorks) Ltd - PH75**

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.

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 oral representations, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel noted that the vehicle satisfied the standards relating to mechanical fitness as set out in the Council's Policy. However, the matter was referred to the Panel to consider allowing an exception to the general 10-year age limit on licensed vehicles.

The applicant invited the Panel to consider the exceptional circumstances of his case on the basis of the vehicle's quality, appearance and condition.

The Panel noted that the Audi A8 model was recognised as a luxury vehicle and, having conducted a visual inspection of the vehicle, the Panel was satisfied that the vehicle appeared to be in good condition.

The Panel considered the vehicle's MOT and inspection history and was satisfied that the mechanical condition of the vehicle was well maintained. The Panel noted that the mileage on the vehicle was recently recorded as 148,522.

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 is expected to be applied in most cases, but it must not automatically determine the outcome of the application, which must be considered on its individual merits.

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 Hambleton. 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.

Ultimately the Panel was asked to consider whether or not to renew the licence in respect of a vehicle that exceeded the general age limits set by the Council's policy.

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 Panel therefore concluded that the exceptional circumstances of the applicant's case justified a departure from the Council's policy.

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 10.01 am

Chairman of the Panel