

North Yorkshire Council

General Licensing and Registration Sub-Committee

Minutes of the meeting held on Monday, 13th November, 2023 commencing at 12.00 pm.

Councillors Tim Grogan, Malcolm Taylor and Peter Wilkinson.

Officers present: Laura Venn, Head of Legal (Regulatory Services) and Anita Castle-Ward, Senior Licensing Officer.

81 Election of Chair

The decision:

That Councillor Tim Grogan be elected as Chair for the duration of the meeting.

(Councillor Grogan in the Chair)

82 Apologies for Absence

There were no apologies for absence.

83 Disclosures of Interest

There were no declarations of interest.

84 Procedure for Meeting

The decision:

The Sub Committee agreed the procedure for the meeting as outlined by the Chair.

85 HC217B – Application for renewal of Hackney Carriage Vehicle Licence

The subject of the decision:

The Corporate Director of Environment asked the Sub-Committee to consider whether to grant or refuse an application for the renewal of a hackney carriage vehicle licence.

Alternative options considered:

The Sub-Committee 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 Sub-Committee considered the Corporate Director's report, the applicant's written and oral representations, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Sub-Committee 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 sub-Committee to consider allowing an exception to the general 10-year age limit on licensed vehicles.

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

The Sub-Committee conducted a visual inspection of the vehicle and was satisfied that the vehicle appeared to be in good condition that was considered exceptional for its age.

The Sub-Committee considered the vehicle's MOT and inspection history and was satisfied that the mechanical condition of the vehicle was well maintained. The Sub-Committee noted that the mileage on the vehicle was recently recorded as 224,054.

The Sub-Committee was satisfied that the Council's policy generally opposes the renewal of a licence in respect of vehicles over the age of ten years. The Sub-Committee 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 Sub-Committee 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 North Yorkshire. The Sub-Committee 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 Sub-Committee 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 Sub-Committee was satisfied that the mechanical condition of the vehicle, the high standard of the vehicle's condition and its appearance would adequately promote the Council's policy objectives in relation to standards, reliability and safety of licensed vehicles. The Sub-Committee therefore concluded that the 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 Sub-Committee was satisfied that the application could be granted without undermining the policy objectives. Therefore, the Sub-Committee decided to grant the application.

The meeting concluded at 12.28 pm.