

North Yorkshire Council

General Licensing and Registration Sub-Committee

Minutes of the meeting held on Monday, 19th February, 2024 commencing at 2.30 pm.

Councillors Tim Grogan, Joy Andrews and Eric Broadbent.

Officers present: Jonathan Davey, Alan Fane (observer), Nicki Lishman, Lisa Templeton (observer) and John Wardell.

Apologies: Councillors Alyson Baker and Philip Broadbank.

Copies of all documents considered are in the Minute Book

The start of the meeting was unavoidably delayed until 3.20pm.

133 Election of Chair

The decision:

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

(Councillor Grogan in the Chair)

134 Apologies for Absence

Apologies for absence were received from Cllrs Baker and Brookbank.

135 Disclosures of Interest

There were no declarations of interest.

136 Procedure for Meeting

The decision:

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

137 Application for the renewal of a Private Hire Vehicle Licence - PHV 073E

The Sub-Committee had sight of:

- The Licensing Officer's report including appendices / attachments.
- The North Yorkshire Council taxi policy
- It has also considered the oral submissions of the applicant.

The sub-committee inspected the vehicle.

DECISION

The Sub- Committee noted that the vehicle passed an MOT on 3 November 2023 with no failure or advisory notices. The vehicle also passed the Councils inspection on 12 January 2024 with no defects identified. The vehicle is 10 years old, so falls just outside the policy. The date of first registration of the vehicle is 30/9/2013 and the officer report has been amended to reflect that. The sub-committee have observed the vehicle and it is a vehicle in exceptional condition. It is appropriate to depart from the policy in this case.

It is the decision of the sub-committee today to grant the licence, with a condition that the vehicle be subject to a mechanical inspection once every 4 months.

REASONS FOR THE DECISION

The sub-committee took into account the following parts of the licensing policy.

The sub-committee noted that Para 172 of the policy states, amongst other things, that the licensing authority will only generally issue a licence in respect of a private hire vehicle if:

- It is fit for its purpose, safe and comfortable for its users and any members of the public;
- It is less than 10 years old (the age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document, V5C). The policy with regards to vehicle specification shall be applied in the majority of cases when considering licensing applications, but the licensing authority will consider each application on its individual merits and may, at times, allow exceptions to this policy. Where exceptions are made in this regard, vehicles shall be subject to three mechanical inspections each year;
- It has a clean and smart appearance, both externally and internally;

Para 8 of the policy states that the licensing authority's objectives are

- to encourage the provision of high quality and accessible hackney carriage and private hire services;
- to ensure the safety and comfort of users of hackney carriage and private hire services;
- to ensure the safety and wellbeing of the public affected by the operation of hackney carriage and private hire services; and
- to facilitate access to an efficient and effective public transport service.

The licensing sub- committee was also aware of the following key paragraph 17 in relation to whether an exception to the policy should be made or not:

It will be up to the applicant to show that an exception should be made to the policy and, if the objectives can still be met, the licensing authority may exercise its discretion to depart from the general policy. Where exceptions are made, reasons will be given.

The Driver has a right to appeal against this decision. Any application for an appeal should be submitted in writing accompanied by the relevant fee to the Scarborough Magistrates' Court within 21 days of the date of this decision. Further details can be obtained from the Magistrates' Court.

Date: 19/2/2024

Decision notified to all relevant parties.

The meeting concluded at 3.40 pm.