

North Yorkshire Council

General Licensing and Registration Sub-Committee

Minutes of the meeting held on Tuesday, 19th March, 2024 commencing at 2.00 pm.

Councillors Tim Grogan (Chair), Barbara Brodigan and Malcolm Taylor.

Officers present: Chris Doyle, Licensing Enforcement Officer, Amy Ross, Regulatory Solicitor, Sharon Cousins, Area Licensing Manager (observer); and Stephen Pinkney, Licensing Enforcement Officer (observer)

Copies of all documents considered are in the Minute Book

144 Election of Chair

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

(Councillor Tim Grogan in the Chair)

145 Apologies for Absence

There were no apologies for absence.

146 Disclosures of Interest

There were no declarations of interest.

147 Procedure for Meeting

The attached procedure was confirmed.

148 Application to renew a Hackney Carriage Vehicle Licence for a vehicle over 10 years of age from first registration – Plate 100C

The Sub-Committee had sight of:

- The Licensing Officer's report including appendices / attachments.
- The North Yorkshire Council Taxi Licensing Policy
- It had also considered the oral submissions of the applicant.

The Sub-Committee inspected the vehicle.

DECISION

The Sub-Committee noted that the vehicle had been poorly maintained on

occasions, having failed its Ministry of Transport test (MOT) on three out of seven occasions since 2022, and further having failed the periodic compliance test on 16 November 2023. The vehicle was ten years old on 14 March 2023 and therefore did not comply with the Council's Taxi Licensing Policy which was in place to ensure the safety of the public.

The Sub-Committee decided unanimously not to renew the Hackney Carriage Vehicle licence for the vehicle Plate 100C – vehicle registration number EY13 JDJ. The Licensing sub-committee decided that in this instance there were not sufficient reasons provided by the Licence holder that would justify a departure from the Council's Taxi Licensing Policy.

REASONS FOR THE DECISION

The Sub-Committee took into account the following parts of the licensing policy.

The Sub-Committee heard that section 47 of the Local Government (Miscellaneous Provisions) Act 1976 allowed the local authority to attach any conditions that the district council may consider reasonably necessary to licence a vehicle for hackney carriage work.

It was further noted that under paragraph 47 of the North Yorkshire Council Hackney Carriage and Private Hire Licensing Policy the licensing authority would only generally issue a licence in respect of a Hackney Carriage vehicle if it was less than ten years old. The policy with regards to vehicle specification should be applied in the majority of cases when considering licensing applications, but the licensing authority would consider each application on its individual merits and may, at times, allow exceptions to this policy. Where exceptions were made in this regard, vehicles would be subject to three mechanical inspections each year.

The applicant has a right to appeal against this decision. Any application for an appeal must be commenced within 21 days beginning with the date upon which a driver aggrieved by this decision receives notification of the decision. The application for an appeal should be submitted in writing accompanied by the relevant fee to the York Magistrates' Court. Further details can be obtained from the Magistrates' Court.

The meeting concluded at 2.44 pm.