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DECISION NOTICE OF THE LICENSING SUBCOMMITTEE AT HART DISTRICT COUNCIL
ON 21 NOVEMBER 2023

APPEAL AGAINST DECISION OF THE LICENSING OFFICER TO REFUSE TO RENEW VEHICLE LICENCE

The Licensing Subcommittee has carefully considered all the written evidence and listened to oral representations from the Licensing Officer and the Applicant.

The subcommittee has decided having regard to all the circumstances to depart from the Council's Licensing Policy for Hackney Carriage and Private Hire and grant the application for the renewal of a Private Hire Vehicle Licence for the vehicle with registration number [REDACTED]. This licence is to be granted for the full term of a normal renewal vehicle application of 1 year subject to the vehicle passing the Council's compliance test every six months. The Licence commences from the renewal date of 5 October 2023.

Subcommittee reasons in full including evidence considered.

In reaching this decision, the subcommittee has had regard to the Council's Hackney Carriage and Private Hire Licensing Policy, The Institute of Licensing's guidance, The Department for Transport Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance for Licensing Authorities in England updated 17 November 2023.

The subcommittee's discretion to renew this licence is provided by section 48 of the Local Government Miscellaneous Provisions Act 1976 and they must have regard to the following criteria when considering whether to grant a licence:

A District Council shall not grant such a licence unless they are satisfied:

- (a) that the vehicle is—
- (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable.

The Subcommittee are satisfied that the above criteria has been met for this vehicle.

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The Subcommittee considered the report of the Licensing Officer and heard directly from the Licensing Officer that: -

- The Hart District Council Licensing Policy for Hackney Carriage and Private Hire (April 2021) has an age restriction on vehicles of 7 years from the date of first registration.
- [REDACTED] Vehicle was first registered on 7 January 2016 and is now 7 years and 10 months old.
- On the 14 of September 2023 the Licensing Team received an application to renew private hire vehicle [REDACTED] from [REDACTED]. Documents included the V5C (registration document) for the vehicle; a [REDACTED] [REDACTED] a recent MOT pass certificate, Tick Test certificate (Hart DC vehicle inspection report), vehicle insurance and the fee of £284.00
- On 15 September 2023 [REDACTED] was notified that his vehicle did not meet the council's vehicle age policy and his application to renew the licence was refused
- The Subcommittee is required to consider this application on its own merits.
- The policy is approved by the Council's full Licensing Committee on 2 March 2021 and took effect in April 2021.
- Council's must be satisfied that a vehicle meets expected standards and are safe and suitable to carry passengers using taxi and private hire services.

The Applicant appealed the council's decision by emails dated 1 October 2023 advising that: -

- I have always maintained my vehicle in excellent condition and complied with all requirements for taxi drivers.
- My car is also manufactured under Euro 6 emission standards, which is ULEZ compliant and meets emissions standards set by Transport for London (TfL).
- My car is mechanically sound, economical and has a low carbon footprint.
- I have never received any complaints or penalties from customers or authorities regarding my vehicle's performance or appearance.
- I had a tough time during the Covid 19 pandemic financially. My Car hadn't been driven for almost 1 ½ years during that time and so to buy another car now is economically unviable due to excessively high interest rates caused by inflation and the cost-of-living crisis.
- I believe that there is no valid reason for refusing to renew my vehicle licence, and that this decision was based on arbitrary or outdated policy.
- I have been a licensed taxi driver for over [REDACTED] and have contributed significantly to the local transport industry and economy. I value my work and my relationship with my customers and colleagues, and I do not want to lose them over an unjustified decision.

[REDACTED] was asked about his previous MOT history and a previous failed MOT on 24th September 2021 due to the Offside Front Tyre cords being exposed. The Subcommittee also noted the September 2023 MOT advisory issue regarding his cracked windscreen. The Subcommittee sought clarification as to why his mileage during the pandemic was 20,000 if as he states he didn't use the vehicle.



The Licensing Subcommittee heard from [REDACTED] that: -

- In relation to the 24 September 2021 MOT the thread of the tyre was going on the inside of the tyre which was not visible from the outside. The tyre was changed, and all tyres were tracked.
- [REDACTED] does inspect his vehicle daily.
- He advised that following his September 2023 MOT and the advisory note regarding his windscreen, whilst this was not a serious defect, he did replace his windscreen.
- In relation to his mileage during the pandemic, he did not use this vehicle as a taxi, but he did use the vehicle to deliver Uber eats in order to provide an income for his family.
- His vehicle was at Euro 6 Standard
- He didn't have to pay ULEZ.
- He hadn't anticipated that his licence would not be renewed, and he doesn't have money to buy a new vehicle at this time.
- The cost of a new vehicle would be in the region of £27,000-£28,000.
- He intends to buy a new vehicle next year (likely to be a Hybrid) which will meet the future emission levels outlined in the Council's current Hackney Carriage and Private Hire Licensing Policy.

The Licensing Subcommittee also heard from the Licensing Officer who confirmed that: -

- The role of the Licensing Authority is to mitigate risks to the public and undertake its licensing duties in promotion of public safety.
- The 'expected criteria' was approved by full Licensing Committee to ensure that the licensed vehicles under Hart DC are of a high standard thus to assist the Environmental Impact and comply with the climate change policy set out by Hart District Council as part of the clean air agenda.
- The Subcommittee were reminded that their decision relates to this vehicle application only. Today's decision will not change the current policy or necessarily set a precedent for other applications.

The Subcommittee having considered all the evidence presented to them, gave the following reasons for the decision:

- The vehicle passed the Council's compliance test, MOT test and cosmetic, visual inspection as confirmed by the Licensing Officer. The Subcommittee were also satisfied with the vehicle upon inspection today.
- The Subcommittee acknowledged that the Council's Policy 'usually' opposed the renewal of a licence in respect of vehicles over the age of 7 years. The Subcommittee noted that the policy was expected to be applied in most cases, but each application should be considered on its own merits. The subcommittee noted its discretion under Section 48 of the Local Government Miscellaneous Provisions

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act 1976 and the ability to allow exceptions where the applicant has demonstrated that the policy objectives could still be met.

- Whilst the Subcommittee is satisfied that the age limit was implemented to ensure that the licensed vehicles under Hart DC are of a high standard and to assist in the environmental impact the view taken is that the mechanical condition of the vehicle, the quality and appearance of the vehicle would adequately promote the council's policy objectives.
- The Subcommittee also considered Paragraph 8.4 of the Taxi and Private Hire vehicle licensing best practice guidance for local authorities and the recommendation that Licensing Authorities should not impose age limits for the licensing of vehicles instead they should consider more targeted requirements to meet their policy objectives.
- Public safety would not be compromised by granting a licence in this case in view of the maintenance history and Hart DC vehicle inspection report.
- The subcommittee also took into consideration the regulators code and the requirement to avoid imposing unnecessary regulatory burdens through their regulatory activities. It considered the applicants' submissions on the cost of a new vehicle at this time and the impact this would have.
- The outcome of the appeal would not set a precedent as each case would be decided on its own merits.

In conclusion, the Subcommittee was satisfied that Vehicle Registration [REDACTED] is suitable in type, size and design to continue to be used as a private hire vehicle for the 1-year renewal period. it is in a suitable mechanical condition; the quality of the vehicle and its appearance would adequately promote the Council's policy objectives in relation to standards and safety of licensed vehicles.

You have 21 days from the date of receipt of the Notice letter to appeal against this decision to the Magistrates' Court.

Signed: [REDACTED]

Chair. [REDACTED]