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**DECISION NOTICE OF THE LICENSING COMMITTEE AT HART DISTRICT COUNCIL  
ON 8 DECEMBER 2023**

**APPEAL AGAINST DECISION OF THE LICENSING OFFICER TO REFUSAL OF  
HACKNEY CARRIAGE VEHICLE LICENCE RENEWAL APPLICATION**

The Licensing Subcommittee has carefully considered all the written evidence within the report alongside the supplementary evidence provided by the Applicant at the hearing and has 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 Hackney Carriage 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 22 November 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.

In addition, the Subcommittee were provided the following documents by the Applicant which were accepted by the panel and considered:

- Letter dated 5 December 2023 from [REDACTED] which confirmed that the Applicant had been contracting for the company for several years and undertook school journeys as a contractor.
- MOT dated 6 December 2023 which showed that the vehicle passed with a minor defect namely anti roll bar joint dust cover severely deteriorated nearside front.
- The Council's Vehicle inspection report dated 6 December 2023 which showed that the vehicle had passed.
- Service history from the period 5<sup>th</sup> July 2017- 16<sup>th</sup> June 2022
- Invoices from work undertaken on the vehicle dated 12<sup>th</sup> Feb 2023, 6<sup>th</sup> October 2023 and 6 December 2023

The subcommittee's discretion to renew this licence is provided by section 37 of the Town and Police Clauses Act 1847. Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 provides powers to set specifications and conditions to the HCV's its licences.

The Subcommittee considered the report of the Licensing Officer which confirmed:

- 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 5 February 2016 and is now 7 years and 10 months old.
- On the 12th of October 2023 the Licensing Team received an application to renew [REDACTED]. The supporting documents included the V5C (registration document) for the vehicle; the most recent MOT certificate dated 27/07/2023; the most recent vehicle inspection report also known as the Tick Test Certificate dated 27/07/2023; a receipt showing the works paid for to rectify the slight play in the wheel bearing as stated as an advisory on the MOT and lastly the fee of £284.
- On 26th October 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. Vehicle registration [REDACTED] was first registered in the UK on 5th February 2016.
- The expiry of the current HCV licence was 21st November 2023, meaning the first date of licence if renewed would be 22 November 2023 making the vehicle 7 years and 9 months old on renewal.
- In accordance with the Council's taxi and private hire policy, [REDACTED] vehicle should not be licensed for renewal as the vehicle falls outside of the upper age limit in the Policy.
- On 27th October 2023 [REDACTED] submitted a formal appeal in writing as well as photos of his vehicle.

The Subcommittee heard directly from the Licensing officer within this hearing that: -

- The reason the application is presented before a subcommittee today is due to the vehicle's age exceeding the upper age limit set within the Councils' Licensing Policy for Hackney Carriage and Private Hire.

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- The policy is approved by the council's full licensing committee, the matter under consideration today is not the wider policy but to decide whether to grant or refuse this hackney carriage licence application only.
- The upper age limit was included within the policy to promote licensed vehicles being able to comply with the most up to date emission standards. (for environmental reasons) and road safety features.
- Members are entitled to refuse the application in accordance with the policy or grant the licence if they decide there are grounds to depart from the policy. If members determine to grant this application, the policy will not change as this could only be modified by the full licensing committee.
- The Licensing Policy for Hackney Carriage and Private Hire was last approved by the Council's full Licensing Committee in early 2021. The changes took effect on the 1st of April 2021, there were no changes to the upper age limits contained within the previously approved policy
- Council's must be satisfied a vehicle meets expected standards and are safe and suitable for carrying passengers using taxi and private hire services.
- [REDACTED] vehicle registration I [REDACTED] plate number, [REDACTED] passed its last MOT on 27 June 2023. The recorded mileage from this was 175,990. The council's inspection report was also completed on this day by the garage and passed. The officer acknowledged that at the hearing [REDACTED] confirmed that he has recently had his Vehicle MOT (dated 6 December 2023) and Council's inspection Report which passed, and his current mileage is 186,029.
- It is pertinent members consider this case on its own merits and provide reasons for their decision within a decision notice.

The Applicant appealed the council's decision by emails dated 27 October 2023 advising that: -

- He has received confirmation that his vehicle is too old (7 years and 8 months old) and he would like to appeal this decision.
- All the advisory comments on the MOT have been changed. I have replaced the old tyres with new ones and changed the wheel bearing.
- The Cars mileage is 180,700 which for a taxi vehicle is quite low.
- Please could you take into consideration that during COVID I was unable to do any taxi related work.
- I can assure you my car doesn't cause me any issues and if you would like I can bring the car to you so you can look at it.

[REDACTED] was asked by the subcommittee about the advisory work on his MOT on 27 July 2023. He confirmed that this work was completed the next day and his tyres were replaced a couple of days after his MOT.



He was asked whether he undertakes daily inspections to his vehicle. He replied yes and every couple of months I am required to provide records to the company I contract for.

The Licensing Subcommittee heard from [REDACTED]

- During the Pandemic he didn't work
- His mileage is not high for taxi- he referred to other taxis that have higher mileage that are currently licensed by the Council.
- He has a good maintenance of his vehicle. I have driven this car for 8 years. The Car is running well, and it hasn't been used for 2 years.
- He undertakes home to school runs mainly.
- He discussed the different age policies that applied in nearby authorities.

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. It was also noted that the Vehicle had a recent MOT and Inspection dated 6 December 2023.
- 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 47 of the Local Government Miscellaneous Provisions 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.



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- Public safety would not be compromised by granting a licence for a further year 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 being unable to purchase 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.

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

Signed: 

Chair.....*CLLR DERMOT SMITH*