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**DECISION NOTICE OF THE LICENSING COMMITTEE AT HART DISTRICT COUNCIL
ON 25 MARCH 2024**

APPEAL AGAINST DECISION OF THE LICENSING OFFICER TO HCV [REDACTED]

The Licensing Subcommittee has carefully considered all evidence and listened to representations from the Licensing Officer and the Applicant. The Licensing Subcommittee has also carried out visual inspection of the subject vehicle.

The Subcommittee has decided having regard to all the circumstances to depart from the Council's Licensing Policy for Hackney Carriage and Private Hire without undermining the objectives of the policy and grant the application for the renewal of a Hackney Carriage Vehicle Licence for the [REDACTED] vehicle with registration number [REDACTED].

This licence is granted for the full term of a normal renewal vehicle application of one year subject to the vehicle passing the Council's compliance test every six months. The licence commences from the renewal date of 23 February 2024.

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 (the Best Practice Guidance for Licensing Authorities in England) updated 17 November 2023 and the Regulators Code made under the Legislative and Regulatory Reform Act 2006.

The Subcommittee's discretion to renew this licence is provided for by section 47 of the Local Government (Miscellaneous Provisions) Act 1976, which states that:

- (1) A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.*
- (2) Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.*
- (3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.*

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



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

- The Applicant, [REDACTED], applied to renew a hackney carriage vehicle with plate number [REDACTED] on the 19 February 2024.
- In support of the application, the Applicant provided a recent pass MOT test certificate dated 6 November 2023.
- A vehicle certificate of motor insurance dated 08 February 2024,
- Page 1 and 2 of the V5 document,
- The most recent vehicles inspection report, also known as the Tick Test Certificate, dated 6 November 2023.
- The Hart District Council Licensing Policy for Hackney Carriage and Private Hire (April 2021) has an age restriction of seven years for non-purpose built vehicles from the date of first registration.
- The vehicle was first registered in the UK on 17 February 2016, the current licence expired on the 22 February 2024 and the vehicle is now eight years and one month old as of today.
- In accordance with the Hart District Council's policy (For Hackney Carriage and Private Hire) the application for vehicle with plate number [REDACTED] license renewal was refused as the vehicle being a non-purpose built vehicle falls outside of the upper age limit in the Council's Licensing Policy.
- The Applicant was notified on the 26 February 2024 that the vehicle did not meet the Council's vehicle age policy and his application to renew the licence was refused.

The Applicant appealed the Council's decision on 26 February 2024 advising that: -

- The vehicle was bought from new and has been running as Hackney Carriage taxi since 2016.
- The vehicle is regularly MOT tested and serviced frequently with paperwork and service book available for inspection.
- The Applicant confirmed that he does look after and maintain the vehicle very well.
- The vehicle is kept clean inside and outside, and the vehicle is in good condition.
- The Applicant requested that the Subcommittee reconsider the Licensing officer's decision to refuse the application.

The Subcommittee then heard from the Applicant, and he made the following representations.

- That the vehicle was bought new and has been used as Hackney Carriage Vehicle ever since.
- The vehicle has always been maintained and serviced, with the MOT currently done every six months.
- The vehicle was occasionally used for two years during the Covid-19 period.



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- The vehicle is in good condition and has full-service history.
- The Applicant stated that most Licensing Authorities have a vehicle upper age limit policy of ten year as opposed to the Council's taxi and private hire vehicle licence policy currently with upper age limit of seven years.

Mr Abadi was asked about the worn-out rear tyres and the distorted offside rear wheel (inner rim) of the vehicle as contained in the advisory section of the recent vehicle MOT certificate document. He replied that he has not done the works as the comments on the MOT certificate is only advisory and he attended Kwik Fit repair centre on 27 March 2024, where the rear tyres and wheels were checked. They confirmed that although the rear tyres were within the legal limit, the tyres are ok to continue being used.

The Licensing Subcommittee also heard final submission 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 District Council are of a high standard therefore, 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 and had the opportunity to physically inspect the vehicle with plate number [REDACTED] and gave the following reasons for the decision:

- The vehicle has passed the Council's compliance test, MOT test and cosmetic, and there is a full-service history documentation. The Subcommittee were also satisfied with the appearance of the vehicle upon inspection on 27 March 2024, and confirmed that the repair works advised in the latest MOT certificate have been satisfactorily carried out.
- The Subcommittee acknowledged that the Council's Policy generally opposed the renewal of a licence in respect of vehicles over the age of seven years from the date of registration for a none purpose-built vehicle.
- That the age limit was adopted to promote public safety, to maintain the standard of hackney carriage and private hire services in the district and to protect the environment.
- And they 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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- The Subcommittee agreed that it was entitled to exercise its discretion to allow exceptions where the applicant had demonstrated that the policy objectives could still be met.
- The Subcommittee decided that public safety would not be compromised by granting a licence in this case in view of the maintenance history and Hart District Council vehicle inspection report.
- The Subcommittee determined that based on the Taxi and Private Hire vehicle licensing best practice guidance for local authorities there is good reasons to depart from the Council's policy.

In conclusion, the Subcommittee was satisfied that the mechanical condition of the vehicle, 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 signature]

Chair.....

[Redacted date: 27/3/24]