



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	LICENSING SUB COMMITTEE
DATE:	29 MARCH 2022
REPORT OF THE:	ENVIRONMENTAL HEALTH SERVICES MANAGER ROBERT ROBINSON
TITLE OF REPORT:	APPLICATION FOR RENEWAL OF PRIVATE HIRE VEHICLE LICENCE - PHV 010
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To seek the determination by the Licensing Sub Committee of an application for a private hire vehicle licence for a vehicle that does not comply with the standard criteria as stated in the Council's Taxi and Private Hire Policy ("the Policy").

2.0 RECOMMENDATION(S)

- 2.1 It is recommended that:

- (i) the application for a private hire vehicle licence in respect of a 2012 Black Kia Sorento (registration: YX12 SGO) be determined taking into account the Council's Taxi and Private Hire Policy and after hearing from the applicant.

3.0 REASON FOR RECOMMENDATION(S)

- 3.1 The vehicle does not comply with the standard criteria as stated in the Policy, the determination of the application therefore rests with the Licensing Sub-Committee.

4.0 SIGNIFICANT RISKS

- 4.1 The Licensing Authority must determine an application for the grant of a private hire vehicle licence in accordance with relevant legislation and the Council's Policy. The Licensing Authority would leave itself open to appeal or judicial review should it not comply with all legal requirements.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 An application for the renewal of a private hire vehicle licence has been received from Mr Michael Sunley. The vehicle has been licensed as a private hire vehicle with the Council since 2016.
- 5.2 As the vehicle is now 10 years of age it does not comply with the vehicle age criteria outlined at Para 1, Appendix E of the Policy which states:

'The maximum age of a vehicle that may continue to be licensed shall be 10 years from the date of first registration. A licensed vehicle exceeding 10 years old at the date of application for renewal of its licence, may be licensed at the discretion of the licensing Sub Committee if such vehicle is found to be an "exceptional vehicle in exceptional condition ". Each application for special consideration will be judged solely on its merits, provided it continues to be mechanically sound and passes the vehicle licensing inspection'.

6.0 REPORT DETAILS

- 6.1 Details of the vehicle are as follows:

Make:	KIA
Model:	SORENTO
Colour:	BLACK
First Registration:	01/03/2012
Mileage:	118,626 (as of 16/03/2022)
Fuel Type:	DIESEL
Engine Size:	2199 cc
Co2 Emission	177 g/km
Ved Co2 Band	"J"

- 6.2 As part of the application process Officers can confirm that the vehicle failed its initial MOT test on 15 March 2022 due to the nearside and offside front position lamps (commonly referred to as sidelights) not working, the nearside and offside front suspension arm ball joints being excessively worn and a leaking brake pipe. These defects were rectified and the vehicle was re-tested the following day and passed with advisories regarding a stone chip in the windscreen and a thorn in nearside rear tyre side wall.
- 6.3 At the time of writing the report the vehicle is yet to undergo the Council's vehicle inspection, this will therefore be provided at the meeting.
- 6.3 In terms of historical testing, the vehicle initially failed its MOT tests in 2017, 2018, 2019, 2020 and 2021 for matters relating to steering, suspension, anti-roll bar linkages and lights.
- 6.4 Members are encouraged to view the vehicle prior to making their decision.

7.0 LICENSING POLICY AND NATIONAL GUIDANCE

7.1 In addition to Appendix E, the following sections of Ryedale's Taxi & Private Hire Policy are applicable:

Aims of Licensing

1.5 - The principal aim of hackney carriage and private hire licensing is to protect the public whilst ensuring that they have reasonable access to high quality hackney carriage and private hire services. It is accepted that such services play an important role in local transport provision.

Objectives

1.6 - The LA shall adopt and carry out its hackney carriage and private hire licensing functions with a view to promoting the following licensing objectives:

1. Safety, health and comfort of the public and drivers
2. Prevention of crime and disorder, safeguarding of children and the vulnerable
3. Vehicle safety, comfort and access
4. Provision of high quality vehicles and services

1.7 - In promoting these objectives, the LA shall expect applicants and existing licence holders to continually demonstrate that they meet or indeed exceed the specifications set by the LA within this Policy. These objectives shall be taken into account by the LA when making any decision.

1.13 - Notwithstanding the existence of this Policy, each application or enforcement measure shall be considered on its own merits. Where it is necessary for the LA to depart substantially from the Policy, clear and compelling reasons shall be given.

3.2 - Vehicles must be suitable in type, size and design for use as a licensed vehicle. The LA shall licence any vehicle manufactured or adapted to carry up to 8 passengers (excluding driver) provided that it meets the criteria set out at Appendix E.

Non-standard vehicles

3.35 Applications for vehicles that do not meet the standard criteria as set out in Appendix E shall be determined by the LA's Licensing Sub-Committee. Each application shall be considered on its own merit and public safety shall be of prime importance. The requirement for future applications to be determined by the LA's Licensing Sub-Committee shall be at the discretion of the LA.

3.36 The LA considers it necessary to impose additional standard conditions to those specified in Appendix E in relation to these vehicles (set out at Appendix I). The LA may also place upon the licence further conditions to ensure the safety of the travelling public.

3.37 All other relevant driver's, vehicle's and operator's conditions shall otherwise apply to the licence.

8.0 OPTIONS

8.1 The Licensing Sub Committee has the following options:

- a) to grant the vehicle licence application (with the conditions outlined in the Policy);
- b) to grant the vehicle licence application (with the conditions outlined in the Policy) including additional conditions; or
- c) to reject the vehicle licence application.

9.0 DETERMINATION OF THE APPLICATION

9.1 Members must exercise their decision making powers in accordance with the provisions of the Human Rights Act 1998, and the principles of natural justice.

9.2 Members are invited to determine this application following consideration of the evidence presented to them. The procedure for this hearing is available from the Council.

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Background Papers:
Ryedale District Council's Taxi and Private Hire Policy