

Licensing Sub Committee

Held at Council Chamber - Ryedale House, Malton, North Yorkshire YO17 7HH
on Tuesday 29 March 2022

Present

Councillors Cleary (Chairman), Potter and Windress

In Attendance

Mark Heaton (Senior Licensing Officer), Jonathan Davey (Legal Advisor), John Wardell (Clerk)

Minutes

8 **Emergency Evacuation Procedure**

The Chairman to inform Members of the Public of the emergency evacuation procedure.

9 **To determine an application from Mr Michael Sunley for grant of renewal for Private Hire Vehicle Licence No. PHV 010 Registration YX12 SGO**

Introductions

The Chairman introduced those present at the hearing: the members of the Sub-Committee, the Applicant's Representative (Mr Richard Smith), the Senior Licensing Officer presenting the report, the Legal Adviser, and the Committee Clerk.

10 **Apologies for Absence**

There were no apologies received

11 **Declaration of Interest**

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, and any prejudicial or disclosable pecuniary interests, which they might have in the business on the agenda.

No declarations were made.

12 **Exempt Information**

The Chairman referred to the Legal Officer, who outlined exclusion of the public and advised he did not feel there was requirement for exclusion, the Legal Advisor asked Mr Smith if he wished to exclude the Public.

Decision

There was no application for the exclusion of the public.

13

Licensing Sub Committee Hearing Procedure

The Chairman outlined the Licensing Sub Committee Hearing Procedure.

Minutes

Members considered an application from Mr Michael Sunley for grant of renewal for Private Hire Vehicle Licence No. PHV 010 for vehicle registration YX12 SGO, Kia Sorenta.

1. The Chairman invited the Senior Licensing Officer to present his report. The Officer advised that the vehicle was due for the Ryedale District Council Compliance Inspection check earlier in the day. Mr Smith presented the inspection check report and advised it had passed. There were no questions from the Sub Committee or Applicant to the Officer.
2. The Chairman asked the applicant's representative, Mr Smith, if he would like to make an opening statement. Mr Smith stated that the vehicle was solely used for school transport work in the Farndale and Bransdale area where the roads are generally single track and over hung with vegetation. Many of the farm tracks they travel along to collect children are not suitable for non 4x4 vehicles and the school transport contact requires them to have a 4x4 7 seater vehicle. Mr Smith advised that availability of this vehicle type was restrictive and at present there is only 3 suitable modals available on the market. Repairs to the vehicle have been running repairs. Cllr Windress asked if repair were carried out using approved Kia parts. Mr Smith advised that all repairs were undertaken at a Kia dealership garage and all parts were approved. The Sub Committee and Senior Licensing Officer had no further questions.
3. The Sub Committee, Senior Licensing Officer, Applicant's Representative and Clerk moved outside to the car park to view the vehicle. The Members of the Sub Committee on viewing the vehicle requested photographs to be taken. All parties returned to the Council Chamber. The Sub Committee has no further questions. The Senior Licensing Officer asked if the vehicle carried out any other work outside the contracted school work. Mr Smith stated no other work was carried out.
4. The Senior Licensing Officer declined the invitation to sum up. The Chairman invited Mr Smith to sum up. Mr Smith stated that he would request the Sub Committee to have regard for the narrow roads and lanes that the vehicle travels on twice daily.
5. Members of the Sub Committee retired to consider the application and arrive at their decision. The Legal Advisor and Clerk retired with them.

6. Members of the Sub Committee, Legal Advisor and Clerk returned to the Council Chamber and the Chairman announced the decision as follows:

Decision

DECISION OF THE SUB – COMMITTEE

In coming to its decision, the sub-committee has had due regard to the promotion of the objectives of the Licensing Authority as detailed in the Taxi and Private Hire Policy as follows:

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

It is the decision of the sub-committee today to grant the licence.

The sub-committee have considered the key paragraph of the policy contained at Para 1 Appendix E which states that ‘The maximum age of the 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 the 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.’

A vehicle inspection has been conducted today which has shown that the vehicle is exceptional and is in an exceptional condition. There are some superficial and cosmetic marks on the vehicle which is consistent with the type of school journeys undertaken in rural Farndale and Bransdale. The vehicle has passed all relevant tests and works are done by a Kia dealership.

We note there has been a number of failed MOT tests and therefore it is appropriate to impose a condition in relation to the testing of the vehicle that will be increased.

The Condition is that the vehicle must undergo a council compliance test payable at the expense of the operator every 4 months.

In coming to its decision, the sub-committee has also considered the Licensing Officer’s Report, oral evidence and submissions made at the hearing, an inspection of the vehicle and relevant legislation and the licensing policy.

The Driver has a right to appeal against this decision. Any application for an appeal should be submitted in writing accompanied by the relevant

fee to the Scarborough Magistrates' Court within 21 days of the date of this decision. Further details can be obtained from the Magistrates' Court.

Date: 29/3/2022

Decision notified to all relevant parties

Cllr Michael Cleary, Chairman

14 **Any other business that the Chairman decides is urgent.**

There was no other business

The Meeting started at 1:00 pm and closed at 2:05 pm