

## LICENSING SUB-COMMITTEE

At a meeting held on Monday, 21 October 2019

Present:-

Councillor Ms R Swiers (Chairman) in the Chair;  
Councillors S Sharma and Mrs M Watson

### 1. ELECTION OF CHAIRMAN

**RESOLVED** that Councillor Roberta Swiers be elected Chair of the meeting.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3. EXCLUSION OF THE PUBLIC

The applicant did not make any application for the exclusion of the public.

### 4. APPLICATION FOR GRANT OF A PRIVATE HIRE LICENCE FIAT DOBLO - NK59 ARX

The Licensing Sub-Committee considered a report by the Environment and Regulation Manager (report 19/203). The Committee also had site of all of Appendix A which included the renewal application, a covering letter in support from the applicant and Appendix B, the MOT test certificate.

The Councillors undertook an inspection of the vehicle in the car park.

- i) Oral Evidence and submissions received from Adrian Smith and Alison Ledden (also for Abbey Taxis).

**RESOLVED** that the application be granted.

The sub-committee notes the following sections of the policy:

1.10 This policy sets out the requirements and standards that must be met and in exercising its discretion in carrying out its regulatory functions the LA shall have regard to this document. However, each application or enforcement measure will be considered on its own merits.

1.13 Notwithstanding the existence of the 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.

### Members Reasons

It is noted that the vehicle was first registered on the 12<sup>th</sup> October 2009 and is therefore marginally over 10 years old. The vehicle does therefore not comply with paragraph 2, Appendix E of the policy. This states that a wheelchair accessible vehicle may continue to be licensed until 10 years from the date of first registration.

In this case however there are a number of compelling reasons to depart from the policy and grant a licence:

The vehicle is roadworthy which is evidenced by the paragraph in the licensing officer's report which states that 'Officers can confirm that the vehicle was presented at the Councils testing station on the 29<sup>th</sup> May 2019 and successfully passed the MOT and compliance test.' We have been informed that the vehicle has passed all previous MOT tests and those by the NYCC for whom the vehicle is used for school runs. The NYCC policy is said by the applicant to allow such vehicles to be used for up to 12 years.

The sub-committee have also inspected the vehicle today and the condition appears satisfactory. It is noted that the mileage was 40,166 miles which is also a very low mileage. The submissions of the applicant are accepted in that members of the community depend on having wheelchair accessible vehicles on the road. The sub-committee have also considered the low number of such vehicles that are available in the Whitby area which covers rural areas also.

After looking at the Vehicle, considering the papers and oral representations and the responsible attitude of the operator it has been decided to depart from the policy on this occasion in granting the licence.

**Chairman**