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North Yorkshire Council

General Licensing and Registration Sub-Committee

Minutes of the meeting held on Thursday, 29 August, 2024 commencing at 10.00 am.

Councillors Joy Andrews, Tim Grogan and Andy Paraskos.

Officers present: Fiona Casson, Nicki Lishman and John Wardell.

Copies of all documents considered are in the Minute Book

1 Election of Chair

Decision

That Councillor Tim Grogan be elected as Chair for the duration of the meeting.

(Councillor Grogan in the Chair)

2 Apologies for Absence

There were no apologies for absence.

3 Disclosures of Interest

There were no declarations of interest.

4 Procedure for Meeting

Decision

The Sub Committee agreed the procedure for the meeting as outlined by the Chair.

5 Application for the renewal of a Hackney Carriage Vehicle Licence - HCV 003E

The Corporate Director – Environment asked the Sub-Committee to consider whether to grant an application for a hackney carriage vehicle licence that did not comply with the standard criteria, as stated in North Yorkshire Council's Hackney Carriage and Private Hire Policy.

The Sub-Committee could

- i. Grant the application
- ii. Grant the application including additional conditions; or
- iii. Reject the application.

The Sub-Committee considered the Corporate Director's report, the applicant's representations, the Council's Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Sub-Committee had sight of:

- The Licensing Officer's report including appendices / attachments.
- The North Yorkshire Council Hackney Carriage and Private Hire Licensing policy
- It also considered the oral evidence from the applicant.

The vehicle had been inspected and was found to be in an immaculate condition and very good working order. It was noted that the vehicle had passed the MOT test on 31 October 2023 with no failure or advisory notices. The vehicle had also passed the Council's vehicle inspection on 16 July 2024 with no defects identified. The vehicle had an exemplary testing history.

In the circumstances it was decided that it was appropriate to allow an exception to depart from the 10-year rule of the policy.

Decision

That the licence be GRANTED.

Decision notice

The meeting concluded at 10.35 am.

NORTH YORKSHIRE COUNCIL

LICENSING SUB-COMMITTEE

Application for renewal of a Hackney Carriage vehicle licence HCV 003E in respect of Mercedes S320 CDI AUTO

Name of Applicant: Mr Manolis Pateraskis

Date of Meeting: 29/08/2024

Place: Ryedale House, Malton

PRESENT:

Councillors

Cllr Joy Andrews
Cllr Tim Grogan (Chair)
Cllr Andy Paraskos

Declarations of Interests (Personal / Prejudicial):

None

Applicant (and Representative if applicable)

Attended – Yes

Applicant – Mr Manolis Paterakis
Also Mr Michael Cleary

Oral evidence and submissions

Legal Advisor: Fiona Casson

Licensing Officer: John Wardell
Committee Clerk: Nikki Lishman

FURTHER DETAILS OF APPLICATION

Exclusion of the Public – No.

The Sub-Committee have had sight of:

The Licensing Officer's Report including appendices / attachments, plus additional MOT and Inspection reports provided on the day of the hearing.
The North Yorkshire Council taxi policy

The Sub-Committee also considered the oral evidence of the applicant and Michael Cleary and had the benefit of a physical inspection the vehicle No HCV003E

DECISION OF THE SUB – COMMITTEE

It is the decision of the Sub-Committee today to grant the licence with the continued condition that the vehicle be subject to mechanical inspection three times per year.

The Sub-Committee have taken into account the following parts of the licensing policy in reaching the decision

Paragraph 47 of the policy amongst other things state that the licensing authority will only generally issue a licence in respect of a hackney carriage vehicle if:

- *It is fit for its purpose, safe and comfortable for its users and any members of the public;*
- *It is less than 10 years old (the age of the vehicle shall be taken from the date of first registration shown on the vehicle registration document, V5C). The policy with regards to vehicle specification shall be applied in the majority of cases when considering licensing applications, but the licensing authority will consider each application on its individual merits and may, at times, allow exceptions to this policy. Where exceptions are made in this regard, vehicles shall be subject to three mechanical inspections each year;*
- *It has a clean and smart appearance, both externally and internally;*

Paragraph 8. The licensing authority's objectives are:

- *to encourage the provision of high quality and accessible hackney carriage and private hire services;*
- *to ensure the safety and comfort of users of hackney carriage and private hire services;*
- *to ensure the safety and wellbeing of the public affected by the operation of hackney carriage and private hire services; and*
- *to facilitate access to an efficient and effective public transport service.*

Paragraph 15. The policy will be applied in the majority of cases when considering licence applications, but the licensing authority will consider each application on its individual merits and may, at times, allow exceptions to the general policy.

Paragraph 16. It will be necessary to consider, in relation to any particular application, whether the specific circumstances justify allowing an exception.

Paragraph 17. It will be up to the applicant to show that an exception should be made to the policy and, if the objectives can still be met, the licensing authority may exercise its discretion to depart from the general policy. Where exceptions are made, reasons will be given.

Following the Licensing Officers presentation of the application to them, the Sub Committee made a physical inspection of the vehicle both inside and out. Mr Paterakis was pleased to show the members around the vehicle and allow them to inspect whatever they requested. The Sub-Committee noted that despite the age of the vehicle it's physical condition both inside and out was exceptional. The Sub-Committee then heard from the applicant who went into substantial detail setting out how important it was to him to properly maintain a vehicle, he went on to explain that he did much of the work himself apart from tasks which required the vehicle to be lifted on an inspection ramp. He told the Sub-Committee that he changed the wheels of the vehicle each summer and winter to alternate for the seasons. The applicant spoke to the Sub-Committee in such a way that he demonstrated his passion for the upkeep of his vehicle. The Sub-Committee also noted that the vehicle had be driven in excess of 440,000 miles but was still in exceptional condition.

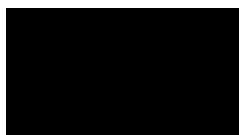
The Sub Committee reviewed copies of the latest MOT certificate (31 October 2023) and NYC Vehicle Inspection Report dated 16 July 2024. The Sub Committee were also provided on the day with the previous 3 MOT and Inspection Certificates. The Sub-Committee were pleased to note that for all four MOT and Inspection Certificates the vehicle had passed and furthermore no advisory notes had been issued.

Taking into account the physical appearance of the vehicle, the MOT and Inspection history available to them and the representations made by the applicant, the Sub-Committee was satisfied that the applicant had demonstrated that for this vehicle at this time specific circumstances were made out to justify allowing an exception to be made to the policy which permitted a vehicle in excess of 10 years of age to remain in operation as a licensed vehicle. The vehicle was not only *'fit for its purpose, safe and comfortable for its users and any members of the public;'* but was demonstrated to be in exceptional condition and maintained to a high standard by the applicant.

The Applicant 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: 2024

Signed



Chair

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