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Agenda

Notice of a public meeting of General Licensing and Registration

Sub-Committee

To: Councillors Kevin Foster, Tim Grogan and Andrew Lee.

Date: Wednesday, 9th October, 2024

Time: 10.00 am

Venue: Council Chamber, County Hall, Northallerton, DL7 8AD

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee if you have any queries.

You may be interested in <u>subscribing to updates</u> about this or any other North Yorkshire Council committee.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named democratic services officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

Business

1. Election of Chair

To elect a Member to act as Chair of the meeting

2. Apologies for Absence

3. Disclosures of Interest

Councillors are invited to declare at this point any disclosable pecuniary interests they have in items appearing on this agenda, including the nature of those interests.

4. Procedure for Meeting

(Pages 3 - 4)

To confirm the procedure to be followed at the meeting.

5. Exclusion of the Press and Public

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting during consideration of Item 6 on the grounds that it involves the likely disclosure of exempt information as defined in

paragraph 1 of Part 1 of Schedule 12A to the Act.

6. Application for New Hackney Carriage Vehicle Licence
To receive a report from the Corporate Director of Environment.

(Pages 5 - 20)

Agenda Contact Officer:

David Smith, Democratic Services Officer

Tel: 07542 029870

Email: david.smith1@northyorks.gov.uk

Tuesday, 10 September 2024



General Licensing and Registration Sub-Committee

Procedure

Introduction

- 1. The Sub-Committee will conduct its hearings fairly, observing the basic rules of natural justice.
- 2. Each hearing will take the form of a discussion led by the Chair and cross examination will not be permitted unless the Sub-Committee considers that cross examination is necessary.
- 3. Hearings will be held in public but the Sub-Committee may decide to exclude the public from all or part of a hearing where it considers the public interest in doing so outweighs the public interest in the hearing taking place in public. In this context "public" includes any party to the hearing or any representative of a party.

Procedure

- 4. At the beginning of the meeting the Chair shall:
 - a) ask those present to introduce themselves;
 - b) explain the procedure;
 - c) ask the parties whether they wish permission for another person to appear at the hearing.
- The Sub-Committee will consider requests from the parties for permission for other persons to appear at the meeting. Such permission will not be unreasonably withheld.
- 6. The Chair will conduct the hearing taking representations from the parties in the following order:
 - a) the Licensing Officer who will outline the background to the case. The Licensing Officer's role is to provide factual information to the Sub-Committee.
 - b) the applicant/licence holder (including any person appointed to represent the party or any other persons who have been given permission to assist the party).
 - any party making representations (including any person appointed to represent the party or any persons who have been given permission to assist the party).

- 7. Before determination, the applicant/licence holder will be given the final opportunity to address the Sub-Committee.
- 8. Each party will be given an equal maximum period of time in which to put forward any additional information requested by the Council, to question other persons (if given permission by the Sub-Committee) and address the Sub-Committee.
- 9. The Sub-Committee may exclude disruptive persons in certain circumstances.
- 10. The Sub-Committee may adjourn the hearing in certain circumstances.
- 11. The Sub-Committee will ask the parties to withdraw so that it can consider its determination. In considering its determination, the Sub-Committee may ask its Legal Advisor to provide it with legal and procedural advice. The nature of this advice will be notified to the parties.
- 12. The Sub-Committee will make its determination at the end of the meeting and this will be confirmed in writing.

Failure of Parties to Attend a Hearing

- 13. If a party has informed the Council that they do not intend to attend or be represented at a hearing, the hearing may proceed in their absence.
- 14. Where a party has not so indicated fails to attend or be represented at a hearing the Sub-Committee may:
 - a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
 - b) hold the hearing in the party's absence.
- 15. Where the hearing is held in the absence of a party, the authority shall consider at the hearing of the application, representation or notice made by that party.
- 16. Where a hearing is adjourned to a specified date the Council will notify the parties of the date, time and place to which the hearing has been adjourned.

April 2023

North Yorkshire Council

General Licensing and Registration Sub-Committee

9 October 2024

HC363B – Application for New Hackney Carriage Vehicle Licence – Mohammed Asif

Report of the Corporate Director - Environment

1.0 PURPOSE OF REPORT

1.1 This report asks the Sub-Committee to consider an application for a new hackney carriage vehicle licence.

2.0 BACKGROUND

2.1 Mohammed Asif is the applicant of a new hackney carriage vehicle licence (plate number HC363B) in respect of a Volkswagen Caddy vehicle registration mark NK14 EUD. The vehicle has not been licensed with North Yorkshire Council. The vehicle is over 10 years old, and its date of first registration was 11 April 2014. It is a wheelchair accessible vehicle.

3.0 APPLICATION FOR A NEW HACKNEY CARRIAGE LICENCE

- An application was lodged on 6 August 2024. A copy of the application form is attached at **Appendix A**.
- 3.2 All applicants are required to produce the following documents before a licence will be issued:
 - i) Proof that the licensing authority's testing arrangements have been satisfied; and
 - ii) A current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire.
- 3.3 The applicant has produced the requisite documents identified in paragraph 3.2 and these have been deemed satisfactory by the Licensing Team.
- 3.4 A copy of the latest vehicle inspection test certificate is attached at **Appendix B**.
- A copy of the last MOT certificate has been supplied by the applicant and is attached at **Appendix C**.
- 3.6 The most recent data shows that, on 11 July 2024, the recorded mileage was 55,431.
- 3.7 According to the registration document, attached at **Appendix D**, the vehicle in question was first registered on 11 April 2014. This document also shows it is a Category S insurance write off.
- 3.8 Engineers report supplied by the applicant. **Appendix E**.
- 3.9 The proprietor will be presenting the vehicle for inspection on the day of the panel hearing.

4.0 **ALTERNATIVE OPTIONS CONSIDERED**

4.1 All of the Sub-Committee's options are outlined in paragraph 11.0.

5.0 FINANCIAL IMPLICATIONS

5.1 No financial implications have been identified.

6.0 **LEGAL IMPLICATIONS**

- 6.1 The applicant may appeal against the decision of the Sub-Committee if it decides not to grant the application. An appeal must be made to the Crown Court within 21 days of receiving notification of the decision.1
- The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses 6.2 Act 1847 requires that Hackney Carriage Vehicles are to be licensed.
- 6.3 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 allows the local authority to attach any conditions that the district council may consider reasonably necessary to licence a vehicle for hackney carriage work.

7.0 **EQUALITIES IMPLICATIONS**

7.1 No equalities implications have been identified.

8.0 **CLIMATE CHANGE IMPLICATIONS**

8.1 No climate change implications have been identified.

9.0 **POLICY IMPLICATIONS**

- 9.1 In carrying out its licensing functions, the Sub-Committee should have regard to the Council's Hackney Carriage and Private Hire Licensing Policy.
- 9.2 In accordance with paragraph 100 of the policy, Vehicles subject to a Category A, B or S insurance write off will not be licensed as hackney carriage. The vehicle in question is a Category S insurance write off.
- 9.3 In accordance with paragraph 47 of the policy, the Council imposes general 10-year age limits in respect of Hackney Carriage Vehicles. As stated in the policy:
 - 47. 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
 - It has not been subject to a Category A, B or S insurance write-off.
 - 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

¹ By virtue of section 7 of the Public Health Acts (Amendment) Act 1907

- 9.4 The Council's policy can (and is generally likely to) affect the outcome of the decision in most cases and this is entirely lawful. The policy is a means of securing a consistent approach to individual cases.
- 9.5 Each case must be considered in the light of the policy but not so that the policy automatically determines the outcome.
- 9.6 The policy allows for exceptions to be made by placing a requirement on the licensing authority to consider each application on its individual merits and to depart from the general policy where the specific circumstances of a case justify making an exception. The onus is on the applicant to demonstrate that any such exception should be made.

10.0 REASONS FOR RECOMMENDATIONS

10.1 The Council has a duty through the Hackney Carriage and Private Hire Licensing regime to protect the public. The Sub-Committee must consider if the specific circumstances of the applicant's individual case justify making an exception from the general policy and take one of the steps outlined in paragraph 11.0.

11.0 RECOMMENDATION(S)

- i) Grant the application for a period of one year; or
- ii) Refuse the application.

APPENDICES:

Appendix A – Application

Appendix B – Vehicle inspection

Appendix C - MOT

Appendix D – V5 registration document

Appendix E – Engineers report

BACKGROUND DOCUMENTS:

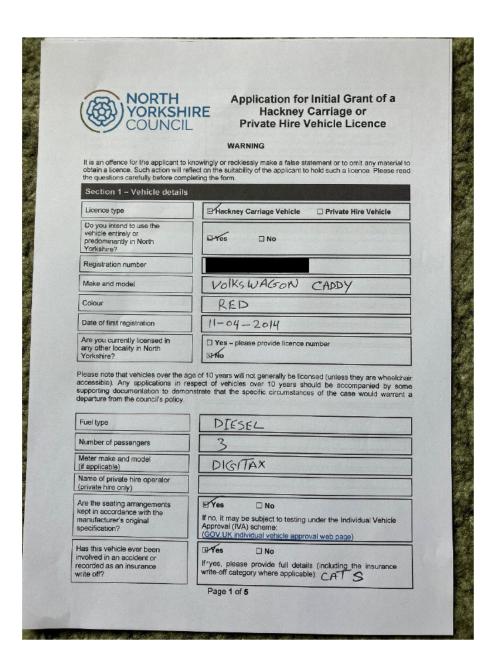
Hackney Carriage and Private Hire Licensing Policy

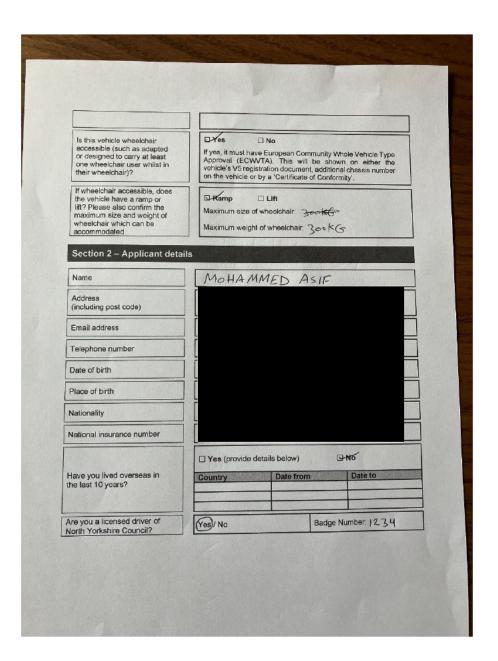
Gareth Bentley
Head of Licensing
Environment Directorate
County Hall
Northallerton
4 September 2024

Report Author – Sue Iceton, Licensing Enforcement Officer Presenter of Report – Sue Iceton, Licensing Enforcement Officer

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

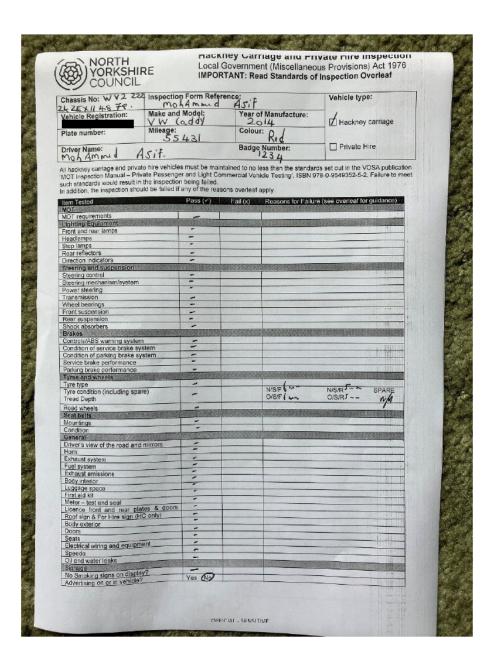


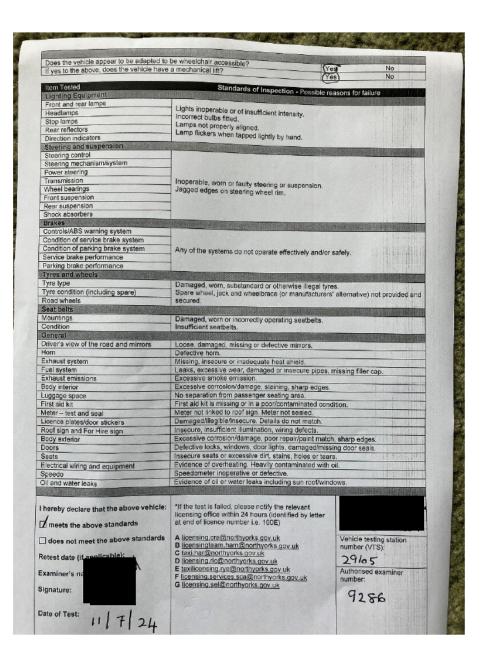


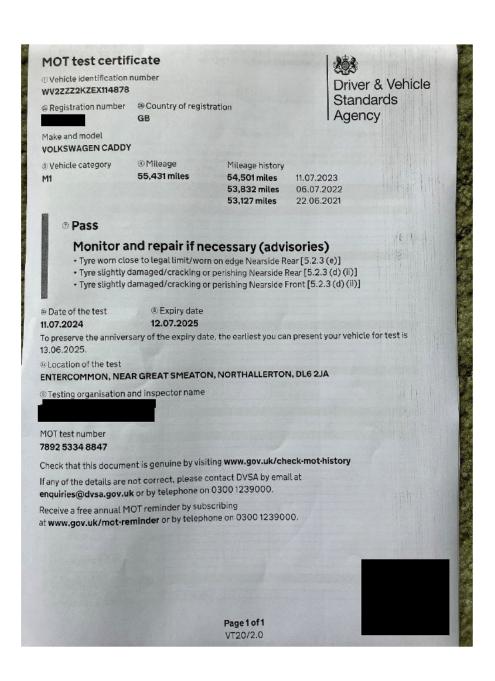


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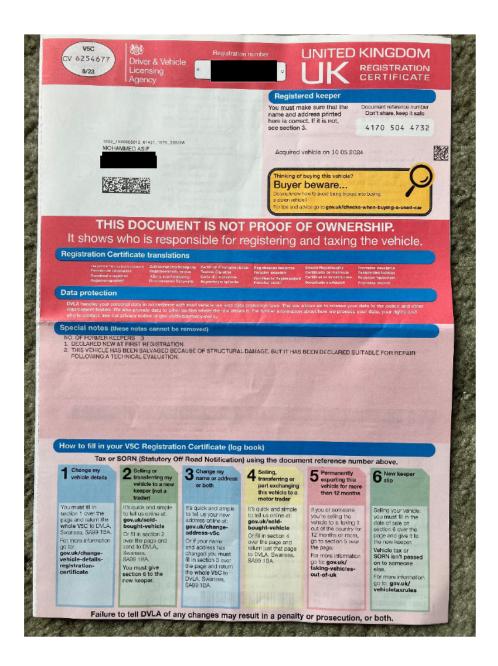


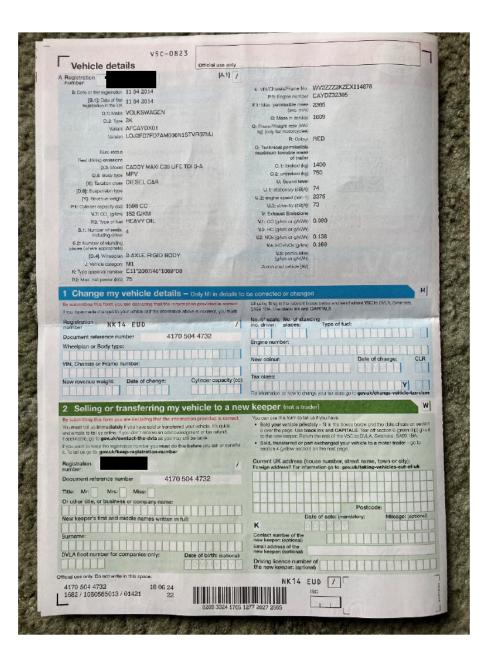














Mohammed Asif

21st August 2024

Ref:NK14EUD

Vehicle: VW Caddy Registration Number: NK14 EUD

Chassis Number:

Date of Registration: 11/04/2014

Colour: Red

I was requested to inspect the vehicle under notice and comment on the standard of repair after the vehicle was deemed to have been involved in an accident, with the view to its use as a hackney vehicle.

<u>History</u>

I understand the vehicle was damaged prior to the inspection and was told that the vehicle had sustained off side damage.

Inspection

Inspection of the vehicle revealed it to be in overall good condition and I can confirm that I could find evidence of a fair repair and well replaced panels. I would have to say therefore that the standard of repair is fair and the colour match between new, repaired and existing panels is satisfactory. The vehicle was road tested over 5 miles to encompass the 30, 50 and 70 mph speed limits and the vehicle gave no grounds for concern.

Salvage Categories

Insurance companies place damaged vehicles in one of four main categories after inspection:

Category A – Description - Scrap. Where the vehicle has no marketable spare part content and should be de-identified by the salvage agents and crushed for scrap

Category B –Description – Break for spares only. Vehicles that should not, for any reason, be returned for use on the roads. The salvage should be de-identified and sell as spare parts to a bonafide vehicle dismantler.

Category C or S – Description – Total loss. Where repair costs to the vehicle exceed pre-accident value. Such vehicles should be sold as repairable salvage.

Category D or N – Description- All other repairable salvage. This category will consist of eminently repairable salvage where repair costs do not exceed the pre-accident value.

I am of the opinion that the vehicle under notice has been repaired to a commercially acceptable standard and providing it continues to pass the Councils own Taxi Test on a regular basis I see no reason why this vehicle cannot be used as a hackney vehicle.

Yours sincerely

Proprietor