

# North Yorkshire Council

## General Licensing and Registration Sub-Committee

Minutes of the meeting held on Tuesday, 16th January, 2024 commencing at 2.30 pm.

Councillors Tim Grogan, George Jabbour and Malcolm Taylor.

In attendance: Mr M Paterakis (applicant) and Mr M Cleary (applicant's representative).

Officers present: Jonathan Davey, John Wardell, Nicki Lishman and Mark Heaton.

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**Copies of all documents considered are in the Minute Book**

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### **104 Election of Chair**

Councillor Taylor proposed and Councillor Jabbour seconded that Councillor Grogan be elected as Chair for the duration of the meeting.

#### **Decision:**

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

(Councillor Grogan in the Chair)

### **105 Apologies for Absence**

There were no apologies for absence.

### **106 Disclosures of Interest**

There were no declarations of interest.

### **107 Procedure for Meeting**

Councillor Grogan summarised the procedure for the meeting as outlined in Item 4 of the agenda.

#### **Decision**

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

### **108 Application for the renewal of a Hackney Carriage Vehicle License - 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 the 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.

It was noted that the vehicle satisfied the standards relating to mechanical fitness as set out in the Council's policy. However, the matter was referred to the Sub-Committee to consider allowing an exception to the general 10-year age limit on licensed vehicles.

The applicant invited the Sub-Committee to consider the exceptional circumstances of his case on the basis of the vehicle's quality, appearance and condition.

The Sub-Committee considered the vehicle's MOT and inspection history and was satisfied that the mechanical condition of the vehicle was well maintained. It was noted that the mileage on the vehicle was recently recorded as 430,114.

The Sub-Committee agreed that the policy was expected to be applied in most cases but it must not automatically determine the outcome of the application, which must be considered on its individual merits.

The Sub-Committee was satisfied that the age limit was adopted to promote public safety, to increase reliability and to improve the standard of hackney carriage and private hire services in North Yorkshire and acknowledged that it was entitled to exercise its discretion to allow exceptions where the applicant had demonstrated that the policy objectives could still be met.

The Sub-Committee conducted a visual inspection of the vehicle and was satisfied that the vehicle appeared to be in good condition that was considered exceptional for its age.

The Sub-Committee was satisfied that the mechanical condition of the vehicle, the high standard of the vehicle's condition and its appearance would adequately promote the Council's policy objectives in relation to standards, reliability and safety of licensed vehicles. The Sub-Committee therefore concluded that the that the circumstances of the applicant's case justified a departure from the Council's policy.

### **Decision**

That the licence be granted with a condition that the vehicle be subject to an inspection every 4 months.

The reason for departing from the policy was due to the exceptional condition of the vehicle and maintenance which is clearly evidenced by the vehicle documentation, testing history showing no faults and a vehicle inspection by the panel. The applicant paid close attention to ensure his vehicle was maintained to a high standard.

The Sub-Committee considered the following parts of the licensing policy;

The Sub-Committee noted that Paragraph 47 of the policy amongst other things stated that the licensing authority would 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 of the policy states that 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.

The licensing sub- committee are also aware of the following key paragraph in relation to whether an exception to the policy should be made or not:

It would 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.

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: 16/1/2024

Decision notified to all relevant parties

The meeting concluded at 15:15pm.