

Agenda Contact Officer:

Nicki Lishman, Democratic Services Officer

Tel: 07748 220146

Email: nicki.lishman@northyorks.gov.uk

Monday, 8 January 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.
5. 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).
 - c) 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

16 January 2024

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

Report of the Corporate Director – Environment

1.0 PURPOSE OF REPORT

- 1.1 To seek the determination by the Licensing Sub Committee of an application for a hackney carriage vehicle licence that does not comply with the standard criteria as stated in the Council's Hackney Carriage and Private Hire Policy ("the Policy"). Such vehicles may be licensed at the discretion of the General Licensing and Registration Sub Committee.

2.0 BACKGROUND

- 2.1 An application for the renewal of a hackney carriage vehicle licence has been received from Mr Manolis Paterakis. The application form is attached at **Appendix A**.
- 2.2 As the vehicle is over 16 years of age, it does not comply with the vehicle age criteria outlined in the Policy which requires vehicles be less than 10 years old from the date of first registration.
- 2.3 Details of the vehicle are as follows:

Make:	MERCEDES
Model:	S320 CDI AUTO
Colour:	BLACK
First Registration:	01/09/2007
Mileage:	430,114 (at time of MOT test)
Fuel Type:	DIESEL
Transmission:	AUTO 7 GEARS
Engine Size:	2987 cc
Co2 Emission	220 g/km
Ved Co2 Band	K

- 2.4 As part of the application process, Officers can confirm that the vehicle passed an MOT test on 31 October 2023 with no failure or advisory notices. The vehicle also passed the Council's vehicle inspection on 16 November 2023 with no defects identified (vehicle inspection checklist attached at **Appendix B**).
- 2.5 Members are encouraged to view the vehicle prior to making their decision.

3.0 ALTERNATIVE OPTIONS CONSIDERED

- 3.1 All of the Sub-Committee's options are outlined in paragraph 10.0. No alternative options are available.

4.0 FINANCIAL IMPLICATIONS

4.1 No financial implications have been identified.

5.0 LEGAL IMPLICATIONS

5.1 The Licensing Authority must determine an application for the grant of a hackney carriage vehicle licence in accordance with relevant legislation and the Council's Policy. The Licensing Authority would leave itself open to appeal at the Magistrate's Court or judicial review should it not comply with all legal requirements.

6.0 EQUALITIES IMPLICATIONS

6.1 No equalities implications have been identified.

7.0 CLIMATE CHANGE IMPLICATIONS

7.1 No climate change implications have been identified.

8.0 POLICY IMPLICATIONS

8.1 In carrying out its licensing functions, the General Licensing and Registration Sub-Committee should have regard to the Council's Hackney Carriage and Private Hire Licensing Policy.

8.2 According to paragraph 8 of the Council's policy, the licensing regime should ensure that licensed hackney carriage and private hire vehicles are of high quality, offer safety and comfort to the users and operate in such a way as to protect the public's safety and well-being. Whilst facilitating access to an efficient and effective public transport service.

8.3 According to paragraph 15 of the Council's policy, in most cases, when considering licence applications, the licensing authority will consider each application on its individual merits. It may, at times, allow exceptions to the general policy.

8.4 According to paragraph 16 of the Council's policy, it will be necessary to consider, in relation to any particular application, whether the specific circumstances justify allowing an exception.

8.5 According to paragraph 17 of the Council's policy, 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.

8.6 According to Paragraph 47 of the Council's Policy, the licensing authority will only generally issue a licence in respect of a hackney carriage vehicle if 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.

9.0 REASONS FOR RECOMMENDATIONS

9.1 The vehicle does not comply with the standard criteria as stated in the Policy; therefore, the determination of the application rests with the Sub-Committee.

10.0 RECOMMENDATION(S)

- i) to grant the application.
- ii) to grant the application including additional conditions; or
- iii) to reject the application.

APPENDICES:

- Appendix A – Application form
- Appendix B – Vehicle Inspection Report and MOT

BACKGROUND DOCUMENTS:

North Yorkshire Council's Hackney Carriage & Private Hire Licensing Policy
Department for Transport's Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England (Updated 17 November 2023)

Karl Battersby
Corporate Director – Environment
County Hall
Northallerton

18 December 2023

Report Author – John Wardell – Licensing Enforcement Officer
Presenter of Report – John Wardell – Licensing Enforcement Officer

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

APPENDIX A

Application for Renewal of a Hackney Carriage or Private Hire Vehicle Licence



WARNING

It is an offence for the applicant to knowingly or recklessly make a false statement or to omit any material to obtain a licence. Such action will reflect on the suitability of the applicant to hold such a licence. Please read the questions carefully before completing the form.

SECTION 1 - VEHICLE DETAILS

Licence type	<input checked="" type="checkbox"/> Hackney Carriage Vehicle	<input type="checkbox"/> Private Hire Vehicle
--------------	--	---

Do you intend to use the vehicle entirely or predominantly in North Yorkshire?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
--	---	-----------------------------

Registration number	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
---------------------	----------------------	----------------------	----------------------	----------------------

Licence plate number	<input type="text"/>	<input type="text"/>	<input type="text"/>	003
----------------------	----------------------	----------------------	----------------------	-----

Make and model	<input type="text"/>	<input type="text"/>	<input type="text"/>	MERCEDES BENZ S 320 CDI
----------------	----------------------	----------------------	----------------------	-------------------------

Colour	<input type="text"/>	<input type="text"/>	<input type="text"/>	BLACK
--------	----------------------	----------------------	----------------------	-------

Date of first registration	<input type="text"/>	<input type="text"/>	<input type="text"/>	1-9-2007
----------------------------	----------------------	----------------------	----------------------	----------

Please note that vehicles over the age of 10 years will not generally be licensed (unless they are wheelchair accessible). Any applications in respect of vehicles over 10 years should be accompanied by some supporting documentation to demonstrate that the specific circumstances of the case would warrant a departure from the Council's policy.

Number of passengers	<input type="text"/>	<input type="text"/>	<input type="text"/>	4
----------------------	----------------------	----------------------	----------------------	---

Meter make and model (if applicable)	<input type="text"/>	<input type="text"/>	<input type="text"/>	DIGITAX
--------------------------------------	----------------------	----------------------	----------------------	---------

Name of private hire operator (private hire only)	<input type="text"/>	<input type="text"/>	<input type="text"/>	N/A
---	----------------------	----------------------	----------------------	-----

SECTION 2 - APPLICANT DETAILS

Name	<input type="text"/>	<input type="text"/>	<input type="text"/>	MANOLIS PATERAKIS
------	----------------------	----------------------	----------------------	-------------------

Address	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
---------	----------------------	----------------------	----------------------	----------------------

(including post code)

BARTON & E WILLOWS
YOGO TPE

Email address

Telephone number



Date of birth



If the applicant is a company or partnership, please provide details of all directors or partners below

Director/Partner	Date of birth	Address and telephone number

SECTION 3 – ADDITIONAL PROPRIETORS

State the name and address of every person (including any limited company) who is a proprietor or part proprietor of the above vehicle or is concerned in the keeping, employing or letting on hire of the vehicle.

Proprietor name	Date of birth	Address and telephone number

SECTION 4 – DECLARATION

I have read and understood the implications of the warning regarding the making of false declarations in relation to this application and confirm that to the best of my knowledge the particulars I have provided with this application are correct.

If a licence is granted, I undertake to comply with all relevant licence conditions, policy requirements and byelaws where applicable.

I will notify the council if any information in this application changes, as outlined in the Council's Hackney Carriage and Private Hire Licensing Policy.

Signature:

Date: 4-8-2023

SECTION 5 - CHECKLIST

An application will not be determined unless the licensing authority is in receipt of:

- a fully completed application form
- the appropriate fee
- a current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire (in the case of hackney carriage vehicles) or private hire (in the

case of private hire vehicles)

- confirmation that the vehicle has an MOT test certificate (required for all vehicles aged over one year as from the date of first registration as shown on the vehicle registration document)
- proof that the licensing authority's testing arrangements have been satisfied
- a satisfactory basic criminal record check from www.gov.uk/request-copy-criminalrecord for each proprietor or in the case of a company or partnership, for every director and partner (not applicable to drivers, proprietors and operators already licensed by North Yorkshire Council)
- a certificate of good conduct (only if an applicant/proprietor has lived overseas for a period of six months or more in the 10-year period leading up to the date of application).

Please return the completed form & documents to your local North Yorkshire office:

Craven - licensing.cra@northyorks.gov.uk

Hambleton - licensingteam.ham@northyorks.gov.uk

Harrogate - taxi.har@northyorks.gov.uk

Richmondshire - licensing.ric@northyorks.gov.uk

Ryedale - taxi.licensing.rye@northyorks.gov.uk

Scarborough - licensing.services.sca@northyorks.gov.uk

Selby - licensing.sel@northyorks.gov.uk

PERSONAL DATA AND INFORMATION SHARING

This authority requires the requested information to process your application for a licence. It has a duty to protect and safeguard the public and therefore may share the information you have provided on this form with other service areas within the Council, Government Departments, law enforcement agencies and partners for these purposes.

This authority is under a duty to protect the public funds it administers. We may share information internally and externally with other organisations responsible for auditing or administering public funds, or where undertaking a public function, to prevent and detect fraud, including data to be used as part of the National Fraud Initiative. For further information, please see <https://www.gov.uk/government/collections/national-fraud-initiative>. We may also disclose information to a Specified Anti-Fraud Organisation for the purpose of preventing fraud under Section 68 of the Serious Crime Act 2007. Please also see our licensing privacy notice for further information.

Schedule 23 to the Finance Act 2011 (Data Gathering Powers) and Schedule 36 to the Finance Act 2008 (Information and Inspection Powers) grant HMRC powers to obtain relevant information from third parties. This includes licensing bodies being required to provide information about licence applicants. Your personal data will not be used for any other purpose without your prior consent, except as permitted by statute.

Under the Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019, the Council is required to provide information to the Department for Environment, Food and Rural Affairs (DEFRA) about all hackney carriages and private hire vehicles licensed by North Yorkshire Council. The information given will include registration numbers, start and expiry dates and such other information we hold for the purposes of ensuring the accurate identification of vehicles. The guidance for authorities contains further details about the database: <https://www.gov.uk/government/publications/air-quality-taxis-and-private-hire-vehicles-phys-database-guidance>

OFFICIAL-SENSITIVE

APPENDIX B

Chassis No: W0D2210822A14766		Inspection Form Reference: Hackney		Vehicle type:	
Vehicle Registration: [REDACTED]		Make and Model: Mercedes 5320 CDI	Year of Manufacture: 2007	<input checked="" type="checkbox"/> Hackney carriage	
Plate number: 003E		Mileage: 430298	Colour: Black	<input type="checkbox"/> Private Hire	
Driver Name: Manoly Paleraky			Badge Number: 04		


All hackney carriage and private hire vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2. Failure to meet such standards would result in the inspection being failed.
 In addition, the inspection should be failed if any of the reasons overleaf apply.

Item Tested	Pass (✓)	Fail (x)	Reasons for Failure (see overleaf for guidance)		
MOT					
MOT requirements	✓				
Lighting Equipment					
Front and rear lamps	✓				
Headlamps	✓				
Stop lamps	✓				
Rear reflectors	✓				
Direction indicators	✓				
Steering and suspension					
Steering control	✓				
Steering mechanism/system	✓				
Power steering	✓				
Transmission	✓				
Wheel bearings	✓				
Front suspension	✓				
Rear suspension	✓				
Shock absorbers	✓				
Brakes					
Controls/ABS warning system	✓				
Condition of service brake system	✓				
Condition of parking brake system	✓				
Service brake performance	✓				
Parking brake performance	✓				
Tyres and wheels					
Tyre type	✓				
Tyre condition (including spare)	✓		N/S/F 6mm	N/S/R 7mm	SPARE 6mm
Tread Depth	✓		O/S/F 6mm	O/S/R 6mm	
Road wheels	✓				
Seats					
How many seats does the vehicle have?	4				
Seat belt Mountings	✓				
Seat belt Condition	✓				
General					
Driver's view of the road and mirrors	✓				
Horn	✓				
Exhaust system	✓				
Fuel system	✓				
Exhaust emissions	✓				
Body interior	✓				
Luggage space	✓				
First aid kit	✓				
Meter – test and seal	✓				
Licence front and rear plates & doors	✓				
Roof sign & For Hire sign (HC only)	✓				
Body exterior	✓				
Doors	✓				
Seats	✓				
Electrical wiring and equipment	✓				
Speedo	✓				
Oil and water leaks	✓				
Signage					
No Smoking signs on display?	✓				
Advertising on or in vehicle?	Yes	No			

Does the vehicle appear to be adapted to be wheelchair accessible?	Yes	No
If yes to the above, does the vehicle have a mechanical lift?	Yes	No

Standards of Inspection - Possible reasons for failure

Lighting Equipment	
Front and rear lamps	Lights inoperable or of insufficient intensity. Incorrect bulbs fitted. Lamps not properly aligned. Lamp flickers when tapped lightly by hand.
Headlamps	
Stop lamps	
Rear reflectors	
Direction indicators	
Steering and suspension	
Steering control	Inoperable, worn or faulty steering or suspension. Jagged edges on steering wheel rim.
Steering mechanism/system	
Power steering	
Transmission	
Wheel bearings	
Front suspension	
Rear suspension	
Shock absorbers	
Brakes	
Controls/ABS warning system	Any of the systems do not operate effectively and/or safely.
Condition of service brake system	
Condition of parking brake system	
Service brake performance	
Parking brake performance	
Tyres and wheels	
Tyre type	Damaged, worn, substandard or otherwise illegal tyres. Spare wheel, jack and wheelbrace (or manufacturers' alternative) not provided and secured.
Tyre condition (including spare)	
Road wheels	
Seat belts	
Mountings	Damaged, worn or incorrectly operating seatbelts. Insufficient seatbelts.
Condition	
General	
Driver's view of the road and mirrors	Loose, damaged, missing or defective mirrors.
Horn	Defective horn.
Exhaust system	Missing, insecure or inadequate heat shield.
Fuel system	Leaks, excessive wear, damaged or insecure pipes, missing filler cap.
Exhaust emissions	Excessive smoke emission.
Body interior	Excessive corrosion/damage, staining, sharp edges.
Luggage space	No separation from passenger seating area.
First aid kit	First aid kit is missing or in a poor/contaminated condition.
Meter - test and seal	Meter not linked to roof sign. Meter not sealed.
Licence plates/door stickers	Damaged/illegible/insecure. Details do not match.
Roof sign and For Hire sign	Insecure, insufficient illumination, wiring defects.
Body exterior	Excessive corrosion/damage, poor repair/paint match, sharp edges.
Doors	Defective locks, windows, door lights, damaged/missing door seals.
Seats	Insecure seats or excessive dirt, stains, holes or tears.
Electrical wiring and equipment	Evidence of overheating. Heavily contaminated with oil.
Speedo	Speedometer inoperative or defective.
Oil and water leaks	Evidence of oil or water leaks including sun roof/windows.

<p>I hereby declare that the above vehicle:</p> <p><input checked="" type="checkbox"/> meets the above standards</p> <p><input type="checkbox"/> does not meet the above standards</p> <p>Retest date (if applicable):</p> <p>Examiner's name: <i>S. THORN BROWN</i></p> <p>Signature: </p> <p>Date of Test: <i>16/11/2023</i></p>	<p>*If the test is failed, please notify the relevant licensing office within 24 hours (identified by letter at end of licence number i.e. 100E)</p> <p>A licensing.cra@northyorks.gov.uk</p> <p>B licensingteam.ham@northyorks.gov.uk</p> <p>C taxi.har@northyorks.gov.uk</p> <p>D licensing.ric@northyorks.gov.uk</p> <p>E taxilicensing.rye@northyorks.gov.uk</p> <p>F licensing.services.sca@northyorks.gov.uk</p> <p>G licensing.sel@northyorks.gov.uk</p>	<p>Garage name and address:</p> <p><i>Northallerton Service Centre.</i></p>
		<p>Vehicle testing station number (VTS):</p> <p><i>A29803</i></p>
		<p>Authorised examiner number:</p> <p><i>1AKV48</i></p>

MOT test certificate



Driver & Vehicle
Standards
Agency

① Vehicle identification number

WDD2210222A147666

② Registration number

③ Country of registration

GB

Make and model

MERCEDES-BENZ S-Class

⑤ Vehicle category

M1

④ Mileage

430,114 miles

Mileage history

419,711 miles 22.07.2022

414,680 miles 22.07.2021

404,260 miles 22.07.2020

⑦ **Pass**

⑩ Date of the test

31.10.2023

⑪ Expiry date

30.10.2024

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 01.10.2024.

⑫ Location of the test

AIRDALE ROAD, KEIGHLEY, BD21 4LW

⑬ Testing organisation and inspector name

**V110258 SAVI AUTOCARE
N. PAPATHANASIOU**

MOT test number

4238 8597 6569

Check that this document is genuine by visiting www.gov.uk/check-mot-history

If any of the details are not correct, please contact DVSA by email at enquiries@dvs.gov.uk or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at www.gov.uk/mot-reminder or by telephone on 0300 1239000.