



Agenda

**Notice of a public meeting of General Licensing and Registration
Sub-Committee**

To: **Councillors Barbara Brodigan, Tim Grogan and
Malcolm Taylor.**

Date: **Tuesday, 19th March, 2024**

Time: **2.00 pm**

Venue: **Council Chamber - Civic Centre, St Luke's Avenue,
Harrogate, HG1 2AE**

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.

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 to renew a Hackney Carriage Vehicle Licence for a vehicle over 10 years of age from first registration – Plate 100C** (Pages 5 - 20)
To receive a report from the Corporate Director of Environment

Agenda Contact Officer:

Dawn Drury, Democratic Services Officer

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Email: dawn.drury@northyorks.gov.uk

Monday, 11 March 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

19 March 2024

Application to renew a hackney carriage vehicle licence for a vehicle over 10 years of age from first registration – Plate 100C

Report of the Corporate Director of Environment.

1.0 PURPOSE OF REPORT
1.1 The purpose of this report is to determine an application to renew a hackney carriage vehicle licence for a vehicle over 10 years of age from first registration.

2.0 SUMMARY

2.1 The applicant is seeking to have this vehicle re-licensed, but this does not comply with Council policy in that it was 10 years old on 14 March 2023. The current hackney carriage licence expires on 31 March 2024 and therefore the vehicle requires re-licensing. This report details the relevant legislation and matters to be considered when making the decision.

3.0 BACKGROUND – The licensing of hackney carriage vehicles

3.1 The Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 requires that that hackney carriage vehicles are to be licensed.

3.2 The criteria applying to this application involves consideration as to whether the vehicle is suitable as determined under Section 47 of The Local Government (Miscellaneous Provisions) Act 1976 and also the North Yorkshire Council Hackney Carriage and Private Hire Licensing Policy.

3.3 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.

3.4 Section 47 of the the North Yorkshire Council Hackney Carriage and Private Hire Licensing Policy states: -

“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”

The full policy can be found here:

[NorthYorkshireCouncilHackneyCarriageandPrivateHireLicensingPolicy.pdf](#)

The policy goes on to say that a vehicle will fail an inspection, and therefore not be fit to be licensed, if any of the following apply:-

- Lights inoperable, damaged, mis-aligned or of insufficient intensity
- Spare wheel, jack and wheelbrace (or manufacturers' alternative) not provided and secured
- Insufficient, damaged or worn seatbelts
- Loose, damaged, missing or defective mirrors
- Leaks, excessive wear, damaged or insecure pipes
- Excessive smoke emission
- Excessive corrosion/damage, unsightly appearance, poor repair/paint match staining, sharp edges
- Visible rusting
- Significant dents or scratches
- No separation of luggage space from passenger seating area
- Meter not linked to roof sign
- Meter not sealed
- Damaged/illegible/insecure plate
- Insecure roof sign, inconsistent/insufficient illumination or excessive damage to wiring
- Defective locks, windows, door lights or damaged/missing door seals
- Excessive dirt, stains, holes or tears
- Any other reasonable cause

4.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE

4.1 The vehicle in question, which carries up to 4 passengers, is a grey Skoda Superb. It has a 1968cc diesel engine. The vehicle has covered approximately 240,000 miles and has a Council compliance test in force until 15 March 2024 (at time of the report being written but will be renewed). The vehicle was first registered on 14 March 2013, which means the vehicle is just over 11 years old. The proprietor has applied to renew the hackney carriage vehicle licence for a further 12 months contrary to the approved policy which states that vehicles should not normally be licensed beyond the age of 10 years old. The application can be found at **appendix 1**

4.2 Photos of the vehicle can be found at **appendix 2**.

4.3 Licensed vehicles are required to undertake a compliance test periodically, the frequency determined by the age of the vehicle. Copies of the last 2 years inspection reports can be found at **appendix 3**.

4.4 The proprietor will be presenting the vehicle for inspection on the day of the panel hearing.

4.5 The panel has the following options when considering this matter.

- (1) To grant the application for a period of 1 year.
- (2) To refuse the application

5.0 ALTERNATIVE OPTIONS CONSIDERED

5.1 All options are detailed in this report. There are no alternatives.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

7.1 If Members decide not to allow the vehicle to be licenced there is a right of appeal for the licence holder to the Crown Court.

8.0 EQUALITIES IMPLICATIONS

8.1 No impacts have been identified.

9.0 CLIMATE CHANGE IMPLICATIONS

9.1 None identified.

10.0 POLICY IMPLICATIONS

10.1 None identified.

11.0 CONCLUSIONS

11.1 Members are asked to consider the vehicle proprietors application, the relevant legislation, and North Yorkshire Council Licensing policy to decide whether the application for a hackney carriage vehicle licence should be granted or refused.

12.0 REASONS FOR RECOMMENDATIONS

12.1 The Council has a duty through the hackney carriage and private hire licensing regime to protect the public

13.0 RECOMMENDATION(S)

13.1 Members are asked to consider the information presented in relation to the application and to determine one of the following actions:

- (1) To grant the application for a period of 1 year.
- (2) To refuse the application

APPENDICES:

Appendix 1 – Vehicle renewal application form.

Appendix 2 – Photos of the vehicle

Appendix 3 – MOT/Compliance test reports

BACKGROUND DOCUMENTS:

None

Karl Battersby
Corporate Director – (*Environment*)
County Hall
Northallerton
29 February 2024

Report Author – Chris Doyle – Licensing Enforcement Officer
Presenter of Report – Chris Doyle – Licensing Enforcement Officer

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



Request for Vehicle Extension

Licensing Authority
North Yorkshire Council
PO Box 787
Harrogate
HG1 9RW

Plate Number: 100C

Registration number: EY13JDJ

Date vehicle first registered: 14 March 2013

Date vehicle licence expires: 31/03/2024

Please give reasons explaining why you would like us to consider extending the life of your vehicle, you must send photographs of both the interior and exterior of the vehicle to accompany this request. Requests received without photographs will not be considered.

My vehicle is in excellent condition and I personally keep the vehicle to a standard which is exceptional at all times to meet the authorities conditions placed on the vehicle.

From the outset, I have always ensured the vehicle is in pristine condition and this can also be proved by the enforcement officer physically inspecting my vehicle last year at the civic centre when granting an extension.

In addition, it was only less than 2 months ago when my vehicle was stopped by the police and taxi team and taken to Claro Road depot in Harrogate. The vehicle was then physically inspected on a ramp with the enforcement team also being present. Considering my vehicle is nearly 10 years old, no issues were raised and I was good to go and get back to work. This proves my first point that the vehicle has always been maintained by myself to an excellent standard of roadworthiness and safety especially with it being spot checked and passing.

My vehicle now has a compliance test every 4 months to ensure compliance with the council standards.

In addition, due to the current financial crisis suffered by everyone a new vehicle costs around £12,000 which I am not able to afford currently. With the way how the taxi industry has changed since deregulation the work is no longer the same and it has also had a drastic effect on my earning capacity which has reduced as a taxi driver in the Harrogate district. I therefore request and plead to the Council to sympathise with my current circumstances and grant me an extension for another 12 months which would greatly help to continue working and provide a service to the public. A new vehicle is very expensive to purchase right now.

Signed: S. Akhtar

Date: 14/02/2024

Print name: [REDACTED]

Mobile telephone number: [REDACTED]

Daytime telephone number: Same as above

Email address: [REDACTED]

OFFICIAL

Renewal Of Hackney Carriage Vehicle Licence Renewal Application



[Open in Dash](#)

Vehicle Details	
Plate expiry date :	March
I hereby apply for the following	Renewal of hackney carriage vehicle licence
1.) Plate Number	100
2.) Vehicle registration	EY13 JDJ
3.) 1st registered / manufactured date	14/03/2013
4.) Make of Vehicle	Skoda
5.) Model Of Vehicle	Superb
6.) Length of Vehicle	
7.) Size of boot / luggage space (rear seats in upright position)	634
8.) Engine capacity in CC's	1968
9.) Engine type - Petrol/Diesel etc	Diesel
10.) Colour	Grey
11.) Seating capacity (excluding driver)	4
12.) Current Mileage	238124
13.) Name of insurance company	Tradex
14.) Insurance run out date	10/10/2024
15.) Road tax date	From - 18/08/2023 To - 18/08/2024
16.) Type of meter	Aquila
17.) Certificate of compliance run out date	15/03/2024
18.) Is this vehicle adapted for wheelchair accessibility ?	No
19.) Has this vehicle been modified in any way since the last licence was issued by this authority ?	No

If YES please state how

Licence Proprieter Details

Operating office

Self employed

Name

Address

Email address

Mobile

Daytime telephone

Testing Station

Preferred compliance testing location

Declaration

1.) I hereby give permission for the licensing enforcement officer from North Yorkshire Council to contact my insurance company, broker or agent with regards to the insurance policy for the above vehicle.

2.) I understand there should be no signs, notices, advertisements, plates, letters, figures, symbols, emblems or devices whatsoever (collectively referred to as a "sign") displayed on, in or from this vehicle, other than those permitted on page 11 of the rules and regulations book. Any signs not permitted or approved will need to be removed.

3.) The details that I have provided on this form are correct and accurate

Confirmation

I have read and understood the above

Signature

Date

Case reference

Amount paid

Payment reference

Submission Ref: FS586891973 - Licensing - renewal of hackney carriage and private hire vehicle licence

AF-Form-11e0b0ac-e424-43d7-84b5-0e4c627caa5b

Attachments: None

Appendix 2









Appendix 3



Hackney Carriage and Private Hire Inspection
Local Government (Miscellaneous Provisions) Act 1976
IMPORTANT: Read Standards of Inspection Overleaf

Chassis No: MBBFT3T40A042095	Inspection Form Reference: 042095		Vehicle type: <input type="checkbox"/> Hackney carriage <input type="checkbox"/> Private Hire
Vehicle Registration: EY13JDU	Make and Model: SKODA SUPERB	Year of Manufacture:	
Plate number: 100C	Mileage: 233483	Colour: GREY	
Driver Name: Shahid Khan	Badge Number: 048		

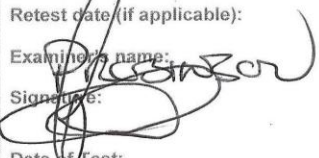
All hackney carriage and private hire vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2. Failure to meet such standards would result in the inspection being 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		FAIL	N/S TRACK AND END, EXCESS PLAY.
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)		ADVISE	N/S/F 5 N/S/R 4 SPARE 5 O/S/F 3-5 O/S/R 4
Tread Depth			OFFSIDE TYRE EXCESSIVELY WORN ON INSIDE TREAD.
Road wheels	✓		
Seats & Seat belts			
How many seats does the vehicle have?	✓		4 SEATS
Seat belt Mountings	✓		
Seat belt Condition	✓		
General			
Driver's view of the road and mirrors	✓		
Horn	✓		
Exhaust system	✓	ADVISE	EXHAUST FLEXIBLE SECTION BREAKING AND BLOW SLIGHTLY
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	YES

OFFICIAL - SENSITIVE

Does the vehicle appear to be adapted to be wheelchair accessible?	Yes	<input checked="" type="radio"/> No
If yes to the above, does the vehicle have a mechanical lift?	Yes	<input checked="" type="radio"/> No

Item Tested	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 type="checkbox"/> meets the above standards</p> <p><input checked="" type="checkbox"/> does not meet the above standards</p> <p>Retest date (if applicable):</p> <p>Examiner's name:</p> <p>Signature: </p> <p>Date of test:</p> <p>16/11/2023</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.ri.c@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>Vehicle testing station number (VTS):</p> <p>1ALE 20</p> <p>Authorised examiner number:</p>
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OFFICIAL - SENSITIVE

Date tested
21 July 2023

PASS

Mileage
228,855 miles

MOT test number
9890 5166 1706

Test location

▶ [View test location](#)

Expiry date
20 July 2024

Monitor and repair if necessary (advisories):

- **Offside Front side light dim**
- **Nearside Rear Outer side light intermittent**
- **Nearside Front Coil spring corroded (5.3.1 (b) (i))**
- **Nearside Rear Nail in tyre**
- **under tray loose**

Date tested
15 July 2023

FAIL

Mileage
228,620 miles

MOT test number
1702 3680 4823

Test location

▶ [View test location](#)

Do not drive until repaired (dangerous defects):

- **Offside Front Inner Tyre has ply or cords exposed (5.2.3 (d) (ii))**

Repair immediately (major defects):

- **Offside Rear Inner Tyre has a cut in excess of the requirements deep enough to reach the ply or cords wall (5.2.3 (d) (i))**
- **Nearside Front Upper Anti-roll bar linkage ball joint dust cover no longer prevents the ingress of dirt (5.3.4 (b) (ii))**

Monitor and repair if necessary (advisories):

- **Nearside Front Inner Tyre worn close to legal limit/worn on edge (5.2.3 (e))**
- **Anti-roll bar linkage ball joint has slight play both front links (5.3.4 (a) (i))**

Date tested
25 January 2023

PASS

Mileage
221,293 miles

Test location
[▶ View test location](#)

MOT test number
2958 4590 2244

Expiry date
24 January 2024

Monitor and repair if necessary (advisories):

- **emission 2 low to read**

Date tested
1 August 2022

PASS

Mileage
215,426 miles

Test location
[▶ View test location](#)

MOT test number
4738 9745 7268

Expiry date
31 July 2023

Monitor and repair if necessary (advisories):

- **Oil leak, but not excessive (8.4.1 (a) (i))**

[▶ What are advisories?](#)

Date tested
28 July 2022

FAIL

Mileage
215,317 miles

Test location
[▶ View test location](#)

MOT test number
8245 8418 4228

Repair immediately (major defects):

- **Exhaust emissions exceed manufacturer's specified limit (8.2.2.2 (a))**

Monitor and repair if necessary (advisories):

- **Oil leak, but not excessive (8.4.1 (a) (i))**

Date tested
10 February 2022

PASS

Mileage
206,389 miles

Test location
[▶ View test location](#)

MOT test number
8027 6454 6996

Expiry date
9 February 2023

Monitor and repair if necessary (advisories):

- **fuel flap loose**
- **nearside rear wheel fitted with snow tyre**

Date tested
9 February 2022

FAIL

Mileage
206,331 miles

MOT test number
4710 5414 3335

Test location

▶ [View test location](#)

Repair immediately (major defects):

- **Nearside Rear Shock absorbers has a serious fluid leak (5.3.2 (b))**

Monitor and repair if necessary (advisories):

- **fuel flap loose**
- **Nearside Rear Inner Tyre worn close to legal limit/worn on edge (5.2.3 (e))**

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