

North Yorkshire Council

General Licensing and Registration Sub-Committee

Minutes of the meeting held on Thursday, 25 April, 2024 commencing at 10.30 am.

Councillors Joy Andrews, Tim Grogan (Chair) and Malcolm Taylor.

In attendance: Mr M Paterakis (applicant).

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

Copies of all documents considered are in the Minute Book

1 Election of Chair

The 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

The 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 051E

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 taxi policy
- It has also considered the oral evidence of 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 13 March 2024 with no failure or advisory notices. The vehicle had also passed the Council's vehicle inspection on 20 March 2024 with no defects identified. The vehicle had an exemplary testing history.

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

DECISION OF THE SUB-COMMITTEE

It was the decision of the sub-committee to GRANT the licence. A condition will be added that the vehicle shall be the subject of three mechanical inspections each year.

The sub-committee had considered various parts of the policy in making the determination.

The sub-committee noted that Para 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;

Para 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 were also aware of the following key paragraph in relation

to whether an exception to the policy should be made or not:

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.

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: 25/4/2024

Decision notified to all relevant parties.

The meeting concluded at 11:05am.