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Agenda

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

To: Councillors Tim Grogan, Malcolm Taylor and Joy Andrews.

Date: Thursday, 25 April, 2024

Time: 10.30 am

Venue: Dalby Room, Ryedale House, Malton, YO17 7HH

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 nondisruptive.

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
To confirm the procedure to be followed at the meeting.(Pages 3 4)
- 5. Application for the renewal of a Hackney Carriage Vehicle (Pages 5 20) Licence - HCV 051E

To receive a report from the Corporate Director of Environment



Agenda Contact Officer: Nicki Lishman, Senior Democratic Services Officer Tel: 01653 638476 or mobile: 07748 220146 Email: nicki.lishman@northyorks.gov.uk

Wednesday, 17 April 2024

Agenda Item 4



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 2024

Agenda Item 5

North Yorkshire Council

General Licensing and Registration Sub-Committee

25 April 2024

Application for the renewal of a Hackney Carriage Vehicle Licence – HCV 051E

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 The vehicle is now over 10 years of age, and it does not comply with the vehicle age criteria outlined in the Policy. The Policy requires vehicles to be less than 10 years old from the date of first registration.
- 2.3 Details of the vehicle are as follows:

Make:	CITROEN
Model:	Dispatch Combi L2H1 HDI SX
Colour:	GREY
First Registration:	27/01/2014
Mileage:	299,983 (at time of MOT test)
Fuel Type:	DIESEL
Engine Size:	1997 cc
Co2 Emission	172 g/km
Ved Co2 Band	Н

- 2.4 As part of the application process, Officers can confirm that the vehicle passed an MOT test on 13 March 2024 with no failure or advisory notices. The vehicle also passed the Council's vehicle inspection on 20 March 2024 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.

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OFFICIAL SENSITIVE

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 and accessible, 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, the policy will be applied in the majority of cases when considering licence applications, but the licensing authority will consider each application on its individual merits and 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 Paragraph 47 of the Council's policy outlines the hackney carriage vehicle specification which requires vehicles to be 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). It goes on to state that 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, MOT, and V5c

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

8 April 2024

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.

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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	Hackney Carriage Vehicle			
Do you intend to use the vehicle entirely or predominantly in North Yorkshire?	Yes 🖸 No			
Registration number				
Licence plate number	OSIE			
Make and model	CITROEN DISPATCH			
Colour	GREX			
Date of first registration	27-1-2014			
Are you currently licensed in any other locality in North Yorkshire?	Yes – Please provide licence no No			

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	8	are, fri
Meter make and model (if applicable)	DIGITAX	F2
Name of private hire operator (private hire only)	NA	

Page 1 of 3

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SECTION 2 - APPLICANT DETAILS

Name	
Address (including post code)	
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.

Date of birth	Address and telephone number		
	Date of birth		

SECTION 4 – DECLARATION

I have read and understood the implications of the warning regarding the making of fake 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 Carrier and the Licensing Policy.

Signature: Date:

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APPENDIX B

MOT test certificate

① Vehicle identification number VF7XDAHZ4DZ058917

Registration number

25 Country of registration GB

Make and model **CITROEN DISPATCH**

S Vehicle category M1

Mileage 229,983 miles

Mileage history 206,440 miles 172.862 miles 170,150 miles

27.03.2023 12.04.2022 22.03.2022

Pass

³⁶ Date of the test 13.03.2024

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 12.03.2025.

³⁸ Location of the test 179 OSBALDWICK LANE, YORK, YO10 3BA

Issting organisation and inspector name 9908AZ OSBALDWICK MOTORS J. A. LAMB

MOT test number 2714 0262 1025

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@dvsa.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.

issuer signature

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Driver & Vehicle Standards gencv

Expiry date 11.04.2025



Hackney Carriage and Private Hire Inspection

Local Government (Miscellaneous Provisions) Act 1976 IMPORTANT: Read Standards of Inspection Overleaf

Chassis No: 58912 VF7XDAHZDZØ	Inspection Form Reference	e:	Vehicle type:
Vehicle Registration:	Make and Model: CITROFN DISPATO	Year of Manufacture:	Hackney carriage
Plate number: 051E	Mileage: 230.693.	Colour: GREX	
Driver Name:		Badge Number:	Private Hire

All hackney carriage and private hire vehicles must be maintained to no less than the standards set out in the DVSA 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 below apply.

Item Tested	Pass (*)	Fail (x)	Reasons for Failure (see overleaf for guidance)
MOT		tering 2 Percents	Y TOT FOR MANY THE OWNER	
MOT requirements		Contraction of the second second	1.150	
Lighting Equipment	Station and State	and the second		
Front and rear lamps	/			
Headlamps	1	(
Stop lamps	/			
Rear reflectors				
Direction indicators	1			
Steering and suspension		A CONTRACTOR OF A CONTRACT	CONTRACTOR NOTION	the second s
Steering control		2.3-30 Mar. 62.00 (2011-104)	so and the equility of the second	A COMPANY AND A
Steering mechanism/system				
Power steering				
Transmission				
Wheel bearings				-
Front suspension	-/	1.3		and the second second
Rear suspension				and the second se
Shock absorbers				
Brakes				
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Controls/ABS warring system	-			
Condition of service brake system				
Condition of parking brake system		COMPANY AND		
Service brake performance	/			See Stranger and the second
Parking brake performance	/		states and a	
Tyres and wheels	Hilling - Contraction Contraction			and the second second second second second
Tyre type		- Contraction of the	Please complete the	
Tyre condition (including spare)	=		N/S/F	N/S/R SPARE
Tread Depth of each tyre			0/S/F 4	O/S/R S
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24.2	/			
Road wheels	1			
Seats and Seat belts	·我以用来已找23	CALES AND	in a fair which the second second	
How many seats does the vehicle have?	9	101		
Mountings	~	-		
Condition	1	THE REPORT OF		
General	Sector States	Del a Constantiana		
Driver's view of the road and mirrors	1	a la la della d		A CONTRACTOR OF
Horn	/	the state of the	the second second second	
Exhaust system	/			
Fuel system	1			
Exhaust emissions				
Body interior	1			
Luggage space			and the bases of	
First aid kit				
They dry art		CIAL - SENSITIV	1	

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Meter – test and seal	}	100	
Licence front and rear plates & doors			
Roof sign & For Hire sign (HC only)			
Body exterior		Division of Statutes	
Doors	1	(Second and Second	
Seats	/	and the second second	and the second se
Electrical wiring and equipment			
Speedo			
Oil and water leaks			
Signage	0		the state of the s
No Smoking signs on display?	Yes / No		
Advertising on or in vehicle?	Yes / No		

Does the vehicle appear to be adapted to I If yes to the above, does the vehicle have		Yes	No	
		Tes	NO	
Item Tested	Standards of Inspection - Possible	e reasons for	r failure	
Lighting Equipment	· · · · · · · · · · · · · · · · · · ·	A State States	的重要的基础和基础和	
Front and rear lamps		Col Line of the		
Headlamps	Lights inoperable or of insufficient intensity. Incorrect bulbs fitted. Lamps not properly aligned. Lamp flickers when tapped lightly by hand.			
Stop lamps				
Rear reflectors				
Direction indicators	camp motors when tapped lightly by fland,			
Steering and suspension	enteren in del president alle en enteren autoriser en enteren enteren enteren enteren enteren enteren enteren e		Transfer and the second	
Steering control			100 A	
Steering mechanism/system				
Power steering				
Transmission	Inoperable, worn or faulty steering or suspension.		Collection and the	
Wheel bearings	Jagged edges on steering wheel rim.			
Front suspension				
Rear suspension				
Shock absorbers				
Brakes		NAMES OF TAXABLE PARTY.	Transferrance and the states of the	
Controls/ABS warning system		1000 (1000)	the second s	
Condition of service brake system				
Condition of parking brake system	Any of the systems do not operate effectively and/or safely.			
Service brake performance				
Parking brake performance				
Tyres and wheels		- services lines former	realization and a more threader.	
Tyre type	Damaged, worn, substandard or otherwise illegal	tures	terrando de contra porte de la porte	
Tyre condition (including spare)	Spare wheel, jack and wheel brace (or manufactur	ters' alternat	bac behivera ton (evi	
Road wheels	secured.			
Seat belts		See Increase and	L.C.S. Martine Contractor	
Mountings	Damaged, worn or incorrectly operating seatbelts.		2011 C. 1990 C.	
Condition	Insufficient seatbelts.			
General		The second states of	Party and a subscript of the	
Driver's view of the road and mirrors	Loose, damaged, missing or defective mirrors.	100 million (100 million (100 million))	279229 - 1968 - 196821	
Hom	Defective hom.			
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.	es, missing ii	Her cap.	
Body interior	Excessive corrosion/damage, staining, sharp edg			
Luggage space	No separation from passenger seating area.	85.		
First aid kit	First ald kit is missing or in a poor/contaminated c	ondillon	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	
Meter – test and seal	Meter not linked to roof sign. Meter not sealed,	onduon.		
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 ma	atch above	daaa	
Doors	Defective locks, windows, door lights, damaged/m	alcai, sharp e	oges.	
Seats	Insecure seats or excessive dirt, stains, holes or to	issing door s	Seals.	
Electrical wiring and equipment	Evidence of overheating. Heavily contaminated wi			
Speedo	Speedometer inoperative or defective.			
Oil and water leaks	Evidence of oil or water leaks including sunroof/wi	indowe		
			AN STREAM OF STREAM	
haraby declare that the show white	416 Alex 4 - 4 1 - 6 - 11 - 4 - 4		a name and	
hereby declare that the above vehicle:	*If the test is failed, please notify the relevant	addres		
I meets the above standards	licensing office within 24 hours (identified by letter	Nor	THELLERTURD	
	at end of licence number for instance, 100E)		- Course	

'Retest dâte (if applicable): * Examiner's Signature:	B licensing.ham@northyorks.gov.uk C taxi.har@northyorks.gov.uk D licensing.ric@northyorks.gov.uk E taxilicenslng.rye@northyorks.gov.uk F licensing.sca@northyorks.gov.uk G licensing.sel@northyorks.gov.uk	Vehicle testing station number (VTS): A 2 9 803 Authorised examiner number:
Date of Test:		JAKV48
20/03/2024	10	

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How to fill in your V5C Registration Certificate (log book)

Tax or SORN (Statutory Off Road Notification) using the document reference number above.

Change my vehicle details

You must fill in section 1 over the page and return the whole V5C to DVLA, Swansea, SA99 1BA.

For more information go to: gov.uk/ change-vehicledetails-registrationcertificate

Selling or transferring my vehicle to a new keeper (not a trader)

It's quick and simple to tell us online at: gov.uk/soldbought-vehicle

Or fill in section 2 over the page and send to DVLA, Swansea. SA99 18A.

You must give section 6 to the new keeper.

Change my name and / or address

You must fill in section 3 over the page and return the whole V5C to DVLA, Swansea, SA99 1BA. You should receive your new V5C within 4 weeks. For more information

go to: gov.uk/ change-nameaddress-v5c

Selling. transferring or part exchanging this vehicle to a

motor trader

It's quick and simple to tell us online at: gov.uk/soldbought-vehicle Or fill in section 4 over the page and return just that page to DVLA, Swansea,

Permanentiy exporting this vehicle for more than 12 months

If you or someone you're selling the vehicle to is taking it out of the country for 12 months or more, go to section 5 over the page.

For more information go to: gov.uk/ taking-vehiclesout-of-uk

New keeper slip

Selling your vehicle: you must fill in the date of sale on section 6 over the page and give it to the new keeper.

Vehicle tax or SORN isn't passed on to someone olso.

For more information go to: gov.uk/ vehicletaxrules

SA99 1BA.

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Vehicle details	and the second s		
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B. Data of first registration 27 01 2014		P.B; Engra man	2810
rs 11: Date of frat 97 D1 2014	F.	1; Max. permissible mase (coll. m/c)	
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D.2: Type X	0	NWA main while the local	
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Vention XDAHZ4		O: Technical permissible	
		THE REAL PROPERTY AND AND A PROPERTY	
Euro etatuo		OI filmini	2000
Real driving emissions D.3: Model DISPATCH COMBI L2H1 HDI SX		O.1: braked (kg) O.2: unbraked (kg)	750
D.5: Body type MPV		U: Bound level	
DI Textition clase DIESEL CAR		U.1: stationery (dB(A))	76
[D.6]: Suspension type		U.2: engine speed (min-1)	3000
[Y]; Revenue weight		U.3: drive-by (dB(A))	74
P1: Oylinder capacity (co) 1997 CC		V: Exhaust Emissions	
V.7: CO, (p/km) 172 G/KM		V.1: CO (g/km or g/kWh)	0.336
P.3: Type of the HEAVY OIL		V.2: HC (g/km or g/kWh)	0.491
B.1: Number of sects, p Induding criver		V.3: NOx (g/km or g/kWh)	0.181 0.212
a 2: Number of standing		V.4: HC+NOx (g/km)	a second s
places (where uppropriate)		V.6: particulates (g/km or g/kWh)	
[D.4] Wheelplan 2-AXLE-RIGID BODY			
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P2: Max nel power (KW) 94		and a start	Н
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ew revenue weight: Date of change: Cylinder car			
	F	or information on how to cl	hange your tax class go to gov.uk/change-vehicle-tax-cla
2 Selling or transferring my vehicle to	o a new l	keeper (not a tra	ader)
		for one use this form to te	i ua it vou hava:
y submitting this form you are declaring that the information provided ou must tell us immediately if you have sold or transferred your vehicle. It's		- Cold unus unblolo prist	ately - fill in the boxes below and the date of sale on sectilack link and CAPITALS. Tear off section 6 (green slip) get
nd simple to tall us online. If you don't raceive an acknowledgment or tax ret	lund.	to the new keeper. Retu	um the rest of the V5C to DVLA, Swanses, SASH TDA.
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You want to keep the registration number you must do this barone you sow To tell us go to: gov.uk/keep-registration-number		section 4 (yellow section	n) on the next page.
	0	Current UK address (h	nouse number, street name, town / olty):
legistration umber	D	Foreign address? For info	ormation go to: gov.uk/taking-vehicles-out-of-uk
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lew keeper's first and middle names written in full:	III.	C	Date of sale: (mandatory) Mileage: (optional
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