

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.

