

North Yorkshire Council

General Licensing and Registration Sub-Committee

19 August 2024

Application for Grant of a New Hackney Carriage Vehicle – KR60 LFP by Mr Gwilym Bodycombe

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 grant of a new hackney carriage vehicle licence was received from Mr Gwilym Bodycombe, which was validated on 08 July 2024. The application form is attached at **Appendix A**.
- 2.2 As the vehicle is 13 years and 6 months of age, it does not comply with the vehicle age criteria outlined in paragraph 47 of 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:	C220
Colour:	Silver
First Registration:	07/01/2011
Mileage:	139,695 (at time of MOT test)
Fuel Type:	DIESEL
Transmission:	AUTOMATED VEHICLE (AV)
Engine Size:	2143 cc
Co2 Emission	153 G/KM

The V5 is attached at **Appendix B**, which confirms these details.

- 2.4 As part of the application process, I can confirm that the vehicle passed an MOT test on 29 April 2024 with no failure or advisory notices. The vehicle has an outstanding recall, which is booked in with Mercedes- Benz on 10 September 2024. The MOT can be seen at **Appendix C**. The vehicle also passed the Council's vehicle compliance test on 29 April 2024 with no defects identified. This can be seen at **Appendix D**.
- 2.5 Members are encouraged to view the vehicle prior to making their decision, however Mr Bodycombe has been asked to bring the vehicle along on 19 August 2024.

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 A Hackney Carriage vehicle requires a licence to be granted by the Council under s37 of the Town Police Clauses Act 1847.

5.2 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 allows the local authority to attach any conditions that the council may consider reasonably necessary to licence a vehicle for hackney carriage work. Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

5.3 Any applicant aggrieved by the refusal to grant a Hackney Carriage Proprietors (vehicle) Licence may appeal to the Crown Court. Any appeal must be made within 21 days following the notice of a decision.

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 Paragraph 8 of the Council's policy states, 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 Paragraph 15 of the Council's policy states, in the majority of 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 Paragraph 16 of the Council's policy states, it will be necessary to consider, in relation to any particular application, whether the specific circumstances justify allowing an exception.

8.5 Paragraph 17 of the Council's policy states, 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 states, the licensing authority will only generally issue a licence in respect of a hackney carriage vehicle if:

- It is fit for 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.

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 for a period of 1 year; or.
- ii) to refuse the application.

APPENDICES:

- Appendix A – Application form
- Appendix B - V5
- Appendix C – MOT test certificate
- Appendix D – Vehicle compliance test

BACKGROUND DOCUMENTS:

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

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County Hall
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31 July 2024

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Presenter of Report – Paula Bellwood – Licensing Enforcement Officer

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