

North Yorkshire Council

General Licensing and Registration Sub-Committee

6 September 2024

Application for the renewal of a Private Hire Vehicle Licence – PHV 035A

Report of the Corporate Director – Environment

1.0 PURPOSE OF REPORT

- 1.1 To consider an application for the renewal of a private hire vehicle licence that does not comply with the standard criteria as stated in the Council's Hackney Carriage and Private Hire Policy ("the Policy") in that it is over 10 years of age since first registration. 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 private hire vehicle licence (vehicle registration LY63 XTK and plate number PHV 035A) has been received from the licence holder, Helli Cars and Pink Ladies Ltd. (registered company no. 14931914) the sole director being Miss Amberine Nawaz. The application, along with the necessary insurance and log book, is attached at **Appendix A**. A photograph of the vehicle in question has also been added to this.

- 2.2 This vehicle was first licensed in October 2023 by North Yorkshire Council and its date of first registration was 1 January 2014, making it 10 years and 7 months old at the time of writing. As the vehicle is over 10 years of age it does not comply with the vehicle age criteria outlined in the Policy which 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:	TOYOTA
Model:	PRIUS
Registration:	LY63 XTK
Colour:	PINK
First Registration:	01 01 2014
First Reg. in the UK:	01 11 2022
Mileage:	72,200 (as of 7 August 2024)
Fuel Type:	HYBRID ELEC
Engine Size:	1797 cc
Euro status	EURO 6

- 2.4 As part of the application process, Officers can confirm that the vehicle passed an MOT test on 7 August 2024, after first failing due to two major defects relating to the windscreen wipers not clearing the windscreen effectively. One minor defect and two advisories remain. See **Appendix B** for recent garage documents. The vehicle also passed the Council's vehicle inspection 'taxi test' on 7 August 2024 after initially failing.

- 2.5 As the vehicle is over 5 years old, an interim taxi test is required every 6 months. See at **Appendix C** the interim test pass, dated 5 March 2024.

2.6 See at **Appendix D** the initial garage documents (failure, then pass dated 12 and 13 September 2023 respectively) when the first application was received.

2.7 The applicant also provided a supporting statement with the application (see **Appendix E**).

2.8 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 renewal of a private hire vehicle licence in accordance with relevant legislation and the Council's Policy.

5.2 The applicant may appeal against the decision of the Sub-Committee if it decides not to grant the application. An appeal must be made to the Magistrates' Court within 21 days of receiving notification of the 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 which took effect from 1 April 2023.

8.2 According to paragraph 8 of the Council's policy, "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".

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 172 of the Council's policy outlines the private hire vehicle specification which states, amongst other requirements, that:

"The licensing authority will only generally issue a licence in respect of a private hire 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".

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 one year.
- ii) to grant the application including additional conditions; or
- iii) to reject the application.

APPENDICES:

Appendix A – Application 7 August 2024

Appendix B – Recent garage documents 7 August 24

Appendix C – Interim garage documents 5 March 24

Appendix D – Initial application garage documents 12 September 23

Appendix E - Applicant's request to Committee

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)

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21 August 2024

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