

North Yorkshire Council

General Licensing and Registration Sub-Committee

9 October 2024

HC363B – Application for New Hackney Carriage Vehicle Licence – Mohammed Asif

Report of the Corporate Director – Environment

1.0 PURPOSE OF REPORT

- 1.1 This report asks the Sub-Committee to consider an application for a new hackney carriage vehicle licence.

2.0 BACKGROUND

- 2.1 Mohammed Asif is the applicant of a new hackney carriage vehicle licence (plate number HC363B) in respect of a Volkswagen Caddy vehicle registration mark NK14 EUD. The vehicle has not been licensed with North Yorkshire Council. The vehicle is over 10 years old, and its date of first registration was 11 April 2014. It is a wheelchair accessible vehicle.

3.0 APPLICATION FOR A NEW HACKNEY CARRIAGE LICENCE

- 3.1 An application was lodged on 6 August 2024. A copy of the application form is attached at **Appendix A**.
- 3.2 All applicants are required to produce the following documents before a licence will be issued:
- i) Proof that the licensing authority's testing arrangements have been satisfied; and
 - ii) A current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire.
- 3.3 The applicant has produced the requisite documents identified in paragraph 3.2 and these have been deemed satisfactory by the Licensing Team.
- 3.4 A copy of the latest vehicle inspection test certificate is attached at **Appendix B**.
- 3.5 A copy of the last MOT certificate has been supplied by the applicant and is attached at **Appendix C**.
- 3.6 The most recent data shows that, on 11 July 2024, the recorded mileage was 55,431.
- 3.7 According to the registration document, attached at **Appendix D**, the vehicle in question was first registered on 11 April 2014. This document also shows it is a Category S insurance write off.
- 3.8 Engineers report supplied by the applicant. **Appendix E**.
- 3.9 The proprietor will be presenting the vehicle for inspection on the day of the panel hearing.

4.0 ALTERNATIVE OPTIONS CONSIDERED

4.1 All of the Sub-Committee's options are outlined in paragraph 11.0.

5.0 FINANCIAL IMPLICATIONS

5.1 No financial implications have been identified.

6.0 LEGAL IMPLICATIONS

6.1 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 Crown Court within 21 days of receiving notification of the decision.¹

6.2 The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 requires that Hackney Carriage Vehicles are to be licensed.

6.3 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 allows the local authority to attach any conditions that the district council may consider reasonably necessary to licence a vehicle for hackney carriage work.

7.0 EQUALITIES IMPLICATIONS

7.1 No equalities implications have been identified.

8.0 CLIMATE CHANGE IMPLICATIONS

8.1 No climate change implications have been identified.

9.0 POLICY IMPLICATIONS

9.1 In carrying out its licensing functions, the Sub-Committee should have regard to the Council's Hackney Carriage and Private Hire Licensing Policy.

9.2 In accordance with paragraph 100 of the policy, Vehicles subject to a Category A, B or S insurance write off will not be licensed as hackney carriage. The vehicle in question is a Category S insurance write off.

9.3 In accordance with paragraph 47 of the policy, the Council imposes general 10-year age limits in respect of Hackney Carriage Vehicles. As stated in the policy:

47. The licensing authority will 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 has not been subject to a Category A, B or S insurance write-off.*
- 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*

¹ By virtue of section 7 of the Public Health Acts (Amendment) Act 1907

- 9.4 The Council's policy can (and is generally likely to) affect the outcome of the decision in most cases and this is entirely lawful. The policy is a means of securing a consistent approach to individual cases.
- 9.5 Each case must be considered in the light of the policy but not so that the policy automatically determines the outcome.
- 9.6 The policy allows for exceptions to be made by placing a requirement on the licensing authority to consider each application on its individual merits and to depart from the general policy where the specific circumstances of a case justify making an exception. The onus is on the applicant to demonstrate that any such exception should be made.

10.0 REASONS FOR RECOMMENDATIONS

- 10.1 The Council has a duty through the Hackney Carriage and Private Hire Licensing regime to protect the public. The Sub-Committee must consider if the specific circumstances of the applicant's individual case justify making an exception from the general policy and take one of the steps outlined in paragraph 11.0.

11.0 RECOMMENDATION(S)

- i) Grant the application for a period of one year; or
- ii) Refuse the application.

APPENDICES:

Appendix A – Application
Appendix B – Vehicle inspection
Appendix C – MOT
Appendix D – V5 registration document
Appendix E – Engineers report

BACKGROUND DOCUMENTS:

Hackney Carriage and Private Hire Licensing Policy

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4 September 2024

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