

North Yorkshire Council

General Licensing and Registration Sub-Committee

9 October 2024

HC018D – Application for renewal of Hackney Carriage Vehicle Licence – Michael Peverell

Report of the Corporate Director – Environment

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

- 2.1 Michael Peverell is the holder of a hackney carriage vehicle licence (plate number HC018D) in respect of a Skoda Superb vehicle registration mark N60 PEV. The vehicle has been licensed since 16 January 2017. The vehicle is over 10 years old, and its date of first registration was 30 January 2014.
- 2.2 The current licence is due to expire on 31 July 2024. A copy of the current licence is attached at **Appendix A**.

3.0 APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE LICENCE

- 3.1 A renewal application was lodged on 26 July 2024. Taxi journeys are authorised between the date of the application and the date of determination. Effectively, the applicant may exercise continuation rights until such time as a decision is made in relation to the renewal. A copy of the application form is attached at **Appendix B**.
- 3.2 All applicants are required to produce the following documents before a licence will be renewed:
- 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 last four vehicle inspection test certificates are attached at **Appendix C**.
- 3.5 A copy of the last MOT certificate has been supplied by the applicant and is attached at **Appendix D**.
- 3.6 The most recent data shows that, on 30 November 2023, the recorded mileage was 235,893.
- 3.7 According to the registration document, attached at **Appendix E**, the vehicle in question was first registered on 30 January 2014.

3.8 The applicant has also included a letter regarding the extension of the vehicle, attached at **Appendix F**, and the vehicle will be made available on the day of the hearing for members to inspect.

3.9 The applicant has included a highlighted copy of the policy attached at **Appendix G**.

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 Magistrates' 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 47 of the policy, the Council imposes general 10-year age limits in respect of hackney carriage vehicles. The vehicle in question surpassed the policy age limit over **6** months ago.

9.3 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.

9.4 Each case must be considered in the light of the policy but not so that the policy automatically determines the outcome.

9.5 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

¹ By virtue of section 60 of the Local Government (Miscellaneous Provisions) Act 1976

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 to renew the licence on the grounds of any reasonable cause.

APPENDICES:

Appendix A – Current Licence
Appendix B – Application
Appendix C – Vehicle inspection
Appendix D – MOT
Appendix E – V5 registration document
Appendix F – Letter from applicant
Appendix G – Highlighted policy from applicant

BACKGROUND DOCUMENTS:

Hackney Carriage and Private Hire Licensing Policy

Gareth Bentley
Head of Licensing
Environment Directorate
County Hall
Northallerton
4 September 2024

Report Author – Sue Icton, Licensing Enforcement Officer
Presenter of Report – Sue Icton, Licensing Enforcement Officer

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