

North Yorkshire Council

General Licensing and Registration Sub-Committee

28 October 2024

Application for the grant of Hackney Carriage Vehicle Licence

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 grant of a hackney carriage vehicle licence. The application does not comply with the standard criteria as stated in the Council's Hackney Carriage and Private Hire Policy ("the Policy") in that the vehicle 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 Tony Lee is the applicant of a new hackney carriage vehicle licence in respect of a Skoda Superb SE vehicle registration mark BL12 UEO. The vehicle has not been licensed with North Yorkshire Council. The vehicle is over 10 years old, and its date of first registration was 27 July 2012.

3.0 APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE LICENCE

- 3.1 An application was lodged on 11 September 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 determined:
- i) Proof that the licensing authority's testing arrangements have been satisfied; and
 - ii) Confirmation the vehicle has a satisfactory MOT test certificate.
 - iii) A current vehicle insurance certificate or cover note which includes the carriage of passengers for public hire.
 - iv) The vehicle registration document (V5C)
 - v) A certificate of meter calibration
- 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 MOT certificate has been supplied by the applicant and is attached at **Appendix B**.
- 3.5 A copy of the vehicle insurance certificate is attached at **Appendix C**.
- 3.6 According to the registration document, attached at **Appendix D**, the vehicle in question was first registered on 27 July 2012 and therefore is over 12 years old.
- 3.7 A copy of the certificate of meter calibration is attached at **Appendix E**.
- 3.8 Proof the licensing testing arrangements have been satisfied at **Appendix F**.

3.9 Details of the vehicle are as follows:

Make:	SKODA
Model:	SUPERB SE
Registration:	BL12 UEO
Colour:	WHITE
First Registration:	27 07 2012
Mileage:	112,769 (as of 10 September 2024)
Fuel Type:	DIESEL
Engine Size:	1968 cc

3.10 The applicant has submitted additional information attached at **Appendix G** to support the request to depart from policy and provided information about the vehicle mileage discrepancies seen on the MOT records.

3.11 The vehicle will be made available for viewing and members are encouraged to view the vehicle prior to making their decision.

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 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.

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

- 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 **2 years**.
- 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 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. Where exceptions are made in this regard, vehicles shall be subject to three mechanical inspections each year.

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;
- ii) Grant the application for a period of one year with additional conditions; or
- iii) Refuse to renew the licence on the grounds of any reasonable cause.

APPENDICES:

Appendix A – Application
Appendix B – MOT certificate
Appendix C – Certificate of insurance
Appendix D – Registration document V5C
Appendix E – Meter Calibration certificate
Appendix F – Vehicle inspection form
Appendix G – Applicants supporting information

BACKGROUND DOCUMENTS:

Hackney Carriage and Private Hire Licensing Policy

Karl Battersby
Corporate Director – Environment
County Hall
Northallerton
30 September 2024

Report Author – Tim Chadwick, Area Manager - West
Presenter of Report – Sue Iceton, Licensing Enforcement Officer

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