

Licensing Sub Committee

Held at Council Chamber - Ryedale House, Malton, North Yorkshire YO17 7HH
on Wednesday 25 August 2021

Present

Councillors Cleary, Mason and Potter

In Attendance

Mark Heaton (Senior Licensing Officer), Jonathan Davey (Legal Advisor), John Wardell (Clerk)

Minutes

1 **Emergency Evacuation Procedure**

2 **Apologies for absence**

There were no apologies received

3 **Members to determine an application from Mr Manolis Paterakis for grant of renewal for Hackney Carriage Vehicle Licence No. HCV 003 (Vehicle Registration M8 ANO)**

Introductions

The Chairman introduced those present at the hearing: the members of the Sub-Committee, the Applicant (Mr Manolis Paterakis), the Senior Licensing Officer presenting the report, the Legal Adviser, and the Committee Clerk.

Declaration of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, and any prejudicial or disclosable pecuniary interests, which they might have in the business on the agenda. Cllr Cleary declared a personal non prejudicial interest. He has previously used the applicant's vehicle.

Licensing Sub Committee Hearing Procedure

The Chairman outlined the Licensing Sub Committee Hearing Procedure.

Exempt Information

The Chairman referred to the Legal Officer, who outlined exclusion of the public and asked Mr Paterakis if he wished to exclude the Public.

Decision

There was no application for the exclusion of the public.

Minutes

Members considered an application by Mr Manolis Paterakis for grant of renewal for a Hackney Carriage Vehicle Licence No. HCV 003 for vehicle registration M8 ANO, Mercedes S320.

1. The Chairman invited the Senior Licensing Officer to present his report. Cllr Potter asked why the vehicle inspection document attached to the report under annex A showed no entry again 'transmission shaft'. The Chairman advised that he understood this check is only applicable to Front wheel drive only vehicles. There were no further questions from the Sub Committee or Applicant.
2. The Chairman asked the applicant if he would like to make an opening statement. Mr Paterakis stated the vehicle has never failed a vehicle MOT test, he looks after his vehicle and maintains it on a regular basis and maintains a full service history. The Sub Committee and Senior Licensing Officer had no questions for the applicant.
3. The Sub Committee, Senior Licensing Officer, Applicant and Clerk moved outside to the car park to view the vehicle. The Members of the Sub Committee on viewing the vehicle commented on its exceptional good condition for age and the presentation of vehicle. All parties returned to the Council Chamber.
4. Following viewing the vehicle the Members of the Sub Committee commented that the vehicle was a credit to Mr Paterakis. There were no questions for the applicant from Members of the Sub Committee of the Senior Licensing Officer has no further comments of questions.
5. Mr Paterakis Summed up. He stated that the vehicle was an expensive car to run however he prides himself on providing the best facility for his customers to ensure repeat custom. He does this by ensuring the presentation of his vehicle is very good and maintains it to a high standard.
6. Members of the Sub Committee retired to consider the application and arrive at their decision. The Legal Advisor and Clerk retired with them.
7. Members of the Sub Committee, Legal Advisor and Clerk return to the Council Chamber and the Chairman announced the decision as follows:

Decision

DECISION OF THE SUB – COMMITTEE

In coming to its decision, the sub-committee has had due regard to the promotion of the objectives of the Licensing Authority as detailed in the Taxi and Private Hire Policy as follows:

- **Safety, health and comfort of public and drivers.**
- **Prevention of crime and disorder, safeguarding of children and the vulnerable**
- **Vehicle safety, comfort and access**
- **Provision of high quality vehicles and services.**

It is the decision of the sub-committee today to grant the vehicle licence application with the conditions outlined in the policy.

The sub-committee have considered the key paragraph of the policy contained at Para 1 Appendix E which states that ‘The maximum age of a vehicle that may continue to be licensed shall be 10 years from the date of first registration. A licensed vehicle exceeding 10 years old at the date of the application for renewal of its licence, may be licensed at the discretion of the licensing sub committee if such vehicle is found to be an ‘exceptional vehicle in exceptional condition’. Each application for special consideration will be judged solely on its merits, provided it continues to be mechanically sound and passes the vehicle licensing inspection.

In relation to today’s application we note that the vehicle has a faultless record both at the MOT stage and at the testing conducted by Ryedale District Council. The vehicle passed its MOT test on the 22/7/21 with no failure or advisory notes. There were also no issues at the Ryedale District Council test. There have been no failure or advisory notices with the MOT tests for the previous 9 years. The applicant has stated that he takes a very pro-active attitude in relation to vehicle maintenance and this is reflected by the testing results. The vehicle has also been observed by the sub-committee who are highly complementary about its condition. It is an exceptional vehicle in exceptional condition. The applicant has mentioned that he undertakes long journeys on occasion and such a vehicle offers the vehicle safety and comfort that passengers and the applicant require. A high quality vehicle and service is provided by the applicant.

In coming to its decision, the sub-committee has also considered the Licensing Officer’s Report including appendices/attachments, oral evidence and submissions made at the hearing and relevant legislation and the licensing policy.

The Driver has a right to appeal against this decision. Any application for an appeal should be submitted in writing accompanied by the relevant fee to the Scarborough Magistrates' Court within 21 days of the date of this decision. Further details can be obtained from the Magistrates' Court.

Date: 25/8/21

Decision notified to all relevant parties

Cllr Michael Cleary, Chairman

- 4 **Members to determine an application from Mr Peter Chukwuka Ehima for grant of renewal for Hackney Carriage Vehicle Licence No. HCV 016 (Vehicle Registration NU11 DZM)**

Introductions

The Chairman introduced those present at the hearing: the members of the Licensing Sub-Committee, the Applicant (Mr Peter Ehima), Ms Lisa Ridsdale (Representing Mr Ehima), the Senior Licensing Officer presenting the report, the Legal Adviser, and the Committee Clerk.

Declaration of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, and any prejudicial or disclosable pecuniary interests, which they might have in the business on the agenda. None were declared for this item.

Licensing Sub Committee Hearing Procedure

The Chairman outlined the Licensing Sub Committee Hearing Procedure.

Exempt Information

The Chairman referred to the Legal Officer, who outlined exclusion of the public and asked Mr Ehima if he wished to exclude the Public.

Decision

It was decided that the public should be excluded

Reason: Financial and business affairs of the applicant were mentioned.

Minutes

The meeting moved in to exemption

Decision

DECISION OF THE SUB – COMMITTEE

In coming to its decision, the sub-committee has had due regard to the promotion of the objectives of the Licensing Authority as detailed in the Taxi and Private Hire Policy as follows:

- **Safety, health and comfort of public and drivers.**
- **Prevention of crime and disorder, safeguarding of children and the vulnerable**
- **Vehicle safety, comfort and access**
- **Provision of high quality vehicles and services**

It is the decision of the sub-committee today to **REFUSE** the application.

The sub-committee have considered the key paragraph of the policy contained at Para 1 Appendix E which states that 'The maximum age of a vehicle that may continue to be licensed shall be 10 years from the date of first registration. A licensed vehicle exceeding 10 years old at the date of the application for renewal of its licence, may be licensed at the discretion of the licensing sub-committee if such vehicle is found to be an 'exceptional vehicle in exceptional condition'. Each application for special consideration will be judged solely on its merits, provided it continues to be mechanically sound and passes the vehicle licensing inspection.

We have noted the history of the vehicle which has shown a number of failed MOT tests which required works doing to it. We note that the vehicle has passed the relevant tests. We have observed the vehicle today and the condition did not meet the high bar of the exceptional test that we have to apply to these applications. The personal circumstances of the applicant is not something that can be considered we have to look at the vehicle. We have heard evidence from Lisa Ridsdale. Although the case was well presented it has not satisfied us that the vehicle is an exceptional vehicle in an exceptional condition. We have not heard any evidence from the applicant from mechanically qualified people. We do however recognise the value that such vehicles have in the community.

In coming to its decision, the sub-committee has also considered the Licensing Officer's Report including appendices/attachments, oral evidence and submissions made at the hearing and relevant legislation and the licensing policy.

The Driver has a right to appeal against this decision. Any application for an appeal should be submitted in writing accompanied by the relevant

fee to the Scarborough Magistrates' Court within 21 days of the date of this decision. Further details can be obtained from the Magistrates' Court.

Date: 25/8/21

Decision notified to all relevant parties

Councillor Michael Cleary, Chairman

6 Any other business that the Chairman decides is urgent.

There was no other business.

The meeting started at 10:05 am closed at 12:55 pm