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<b>PART A:</b>	<b>MATTERS DEALT WITH UNDER DELEGATED POWERS</b>
<b>REPORT TO:</b>	<b>LICENSING SUB COMMITTEE</b>
<b>DATE:</b>	<b>25 AUGUST 2021</b>
<b>REPORT OF THE:</b>	<b>HEAD OF PLANNING AND REGULATORY SERVICES GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATION FOR RENEWAL OF HACKNEY CARRIAGE VEHICLE LICENCE - HCV 003</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To seek the determination by the Licensing Sub Committee of an application for a hackney carriage vehicle licence for a vehicle that does not comply with the standard criteria as stated in the Council's Taxi and Private Hire Policy ("the Policy").

### **2.0 RECOMMENDATION(S)**

- 2.1 It is recommended that:

- (i) the application for a hackney carriage vehicle licence in respect of a 2007 black Mercedes S320 CDI Auto (registration: M8 ANO) be determined taking into account the Council's Taxi and Private Hire Policy and after hearing from the applicant.

### **3.0 REASON FOR RECOMMENDATION(S)**

- 3.1 The vehicle does not comply with the standard criteria as stated in the Policy, the determination of the application therefore rests with the Licensing Sub-Committee.

### **4.0 SIGNIFICANT RISKS**

- 4.1 The Licensing Authority must determine an application for the grant of a hackney carriage vehicle licence in accordance with relevant legislation and the Council's Policy. The Licensing Authority would leave itself open to appeal or judicial review should it not comply with all legal requirements.

## REPORT

### 5.0 BACKGROUND AND INTRODUCTION

- 5.1 An application for the renewal of a hackney carriage vehicle licence has been received from Mr Manolis Paterakis.
- 5.2 As the vehicle is approaching 14 years of age it does not comply with the vehicle age criteria outlined at Para 1, Appendix E of the Policy which states:

*'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 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'.*

### 6.0 REPORT DETAILS

- 6.1 Details of the vehicle are as follows:

Make:	MERCEDES
Model:	S320 CDI AUTO
Colour:	BLACK
First Registration:	01/09/2007
Mileage:	414,960 (at time of vehicle test)
Fuel Type:	DIESEL
Transmission:	AUTO 7 GEARS
Engine Size:	2987 cc
Co2 Emission	220 g/km
Ved Co2 Band	"K"

- 6.2 As part of the application process Officers can confirm that the vehicle passed an MOT test on 22 July 2021 with no failure or advisory notices. In addition the vehicle passed Ryedale District Council's vehicle inspection on 16 August 2021 again with no issues. A copy of the inspection report is attached at **Appendix A**.
- 6.3 In terms of historical testing, the vehicle has received no failure or advisory notices when MOT tested for the previous 9 years.
- 6.4 Members are encouraged to view the vehicle prior to making their decision.

### 7.0 LICENSING POLICY AND NATIONAL GUIDANCE

- 7.1 In addition to Appendix E, the following sections of Ryedale's Taxi & Private Hire Policy are applicable:

#### **Aims of Licensing**

1.5 - The principal aim of hackney carriage and private hire licensing is to protect the public whilst ensuring that they have reasonable access to high quality hackney

carriage and private hire services. It is accepted that such services play an important role in local transport provision.

## **Objectives**

1.6 - The LA shall adopt and carry out its hackney carriage and private hire licensing functions with a view to promoting the following licensing objectives:

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

1.7 - In promoting these objectives, the LA shall expect applicants and existing licence holders to continually demonstrate that they meet or indeed exceed the specifications set by the LA within this Policy. These objectives shall be taken into account by the LA when making any decision.

1.13 - Notwithstanding the existence of this Policy, each application or enforcement measure shall be considered on its own merits. Where it is necessary for the LA to depart substantially from the Policy, clear and compelling reasons shall be given.

3.2 - Vehicles must be suitable in type, size and design for use as a licensed vehicle. The LA shall licence any vehicle manufactured or adapted to carry up to 8 passengers (excluding driver) provided that it meets the criteria set out at Appendix E.

## **Non-standard vehicles**

3.33 - Applications for vehicles that do not meet the standard criteria as set out in Appendix E shall be determined by the LA's Licensing Sub-Committee. Each application shall be considered on its own merit and public safety shall be of prime importance. The requirement for future applications to be determined by the LA's Licensing Sub Committee shall be at the discretion of the LA.

3.34 - The LA considers it necessary to impose additional standard conditions to those specified in Appendix E in relation to these vehicles (set out at Appendix I). The LA may also place upon the licence further conditions to ensure the safety of the travelling public.

3.35 - All other relevant driver's, vehicle's and operator's conditions shall otherwise apply to the licence.

## **8.0 OPTIONS**

8.1 The Licensing Sub Committee has the following options:

- a) to grant the vehicle licence application (with the conditions outlined in the Policy);
- b) to grant the vehicle licence application (with the conditions outlined in the Policy) including additional conditions; or
- c) to reject the vehicle licence application.

## **9.0 DETERMINATION OF THE APPLICATION**

- 9.1 Members must exercise their decision making powers in accordance with the provisions of the Human Rights Act 1998, and the principles of natural justice.
- 9.2 Members are invited to determine this application following consideration of the evidence presented to them. The procedure for this hearing is available from the Council.

### **GARY HOUSDEN HEAD OF PLANNING AND REGULATORY SERVICES**

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**Background Papers:**  
Ryedale District Council's Taxi and Private Hire Policy

# Appendix A

Licence Plate No. **5320 CDI**

Model & Make **MERCEDES**

Yr of Manufacture **2007**

Chassis No. **WDD2210222A147666**

Based on DVSA Inspection Check List VT29

Vehicle Reg No. **MBANO**

Colour **BLACK** Fuel Type: **Petrol** Diesel Other

Mileage **414960**

No. of doors **4**

Code	Testable Item	Pass	Fail	Remarks
<b>Section 1 - Lighting Equipment</b>				
1	Oblig. Front Lamps	✓		
2	Oblig. Rear Lamps	✓		
3	Oblig. Head Lamps inc aim	✓		
4	Stop Lamps	✓		
5	Rear Reflectors	✓		
6	Direction Indicators	✓		
<b>Section 2 - Steering &amp; Suspension</b>				
7	Steering Controls	✓		
8	Steering Mechanism	✓		
9	Power Steering	✓		
10	Transm Shafts (Fwd Dr Only)			
11	Sub Axle Assemblies	✓		
12	Wheel Bearings	✓		
13	Suspension	✓		
14	Shock Absorbers	✓		
<b>Section 3 - Braking System</b>				
15	Service Brake Condition	✓		
16	Parking Brake Condition	✓		
17	Service Brake Efficiency Test	✓		
18	Parking Brake Efficiency Test	✓		
19	Service Brake Balance	✓		
20	All Brake Pipes - condition	✓		
21	Hyd. Servo - Function (if fitted)	✓		
22	Hub Oil seals	✓		
23	Fluid Levels	✓		
<b>Section 4 - Tyres &amp; Wheels</b>				
24	Tyre type front R of X ply	✓		
25	Tyre type rear R of X ply	✓		
26	Tyre condition	✓		
27	Road Wheels/Bead Rims	✓		
28	Condition of spare			
<b>Section 5 - Seat Belts</b>				
29	Security of Mountings	✓		
30	Condition of belts	✓		
31	Operation	✓		
<b>Section 6 - General Items</b>				
32	Windscreen Washer Effective	✓		
33	Windscreen Wipers Effective	✓		
34	Fuel Leaks inc. oil	✓		
35	Horn Effective	✓		
36	Condition of Exhaust System	✓		
37	Condition of Exhaust Mountings	✓		
38	Effectiveness of Silencer	✓		
39	Inner Sills - Corrosion Cond.	✓		

Code	Testable Item	Pass	Fail	Remarks
<b>Section 6 - General Items Continued</b>				
40	Outer Sills - Corrosion Cond.	✓		
41	Floor Sect. - Corrosion Cond.	✓		
42	Door & Boot Fittings - Secure	✓		
43	Windows - Visibility	✓		
44	Mirrors - Condition	✓		
45	Chassis - Spring Hangers, Outriggers	✓		
46	Bumper Bars - Condition	✓		
47	Bodywork & Exterior Cond	✓		
48	Paintwork - Rust, Stains etc	✓		
49	Glass or plastic Items Cond.	✓		
50	Reg Plate Condition	✓		
51	Wings Condition	✓		
52	Interior Condition inc. flooring	✓		
53	Seat Condition & Security	✓		
54	HC/PH plate displayed on rear	✓		
55	No Smoking signs displayed	✓		
56	Fire Extinguisher present	✓		
57	Speedo	✓		
58	Tow Bar	✓		
59	Roof & For Hire Sign	✓		

**Section 7 - Taximeters**

Type: <b>DIGITAX</b>	Illum?	<b>Yes</b>	No
Serial No. <b>93362 DIGITAX</b>	Sealed	<b>Yes</b>	No

Examiners Comments

Note: During the test on this vehicle the defects mentioned above were noted, which in the opinion of the examiner, render the vehicle dangerous for use on the road.

Owners Declaration: I am aware of the defects noted above and have agreed to have them rectified before a pass certificate is issued.

Owner Name:

Owner Signature:

Address:

Examiner Signature: **P. Wood**

Date: **16-8-21**

Inspection Form Complete:	Yes	No
Application Form Complete:	Yes	No
Licence Issue:	Yes	No

Taxi Licensing Officer Signature:

Date: