

AGENDA

Page No

1. APOLOGIES FOR ABSENCE
2. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE,
CARLTON CARS (N YORKS) LTD - PH79 3 - 16

Report of the Director of Law and Governance (Monitoring Officer)
3. MATTERS OF URGENCY

Any other business of which not less than 24 hours' prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.



HACKNEY CARRIAGE/PRIVATE HIRE LICENSING

LICENSING AND APPEALS HEARINGS PANEL

PROCEDURE

1. The hearing of matters will be less formal than hearings before, for instance, a Magistrates' Court. In particular, strict rules of evidence are not adhered to and information is not provided under oath. Nevertheless, proceedings before the Panel will observe basic rules of natural justice.
2. At the beginning of the hearing the Chairman shall:-
 - ask those present to introduce themselves;
 - explain the procedure;
 - ask the parties whether they wish permission for another person to appear at the hearing.
3. The Panel will consider whether the public should be excluded from all or any part of the hearing. This will only be done if the Panel considers that the public interest in so doing outweighs the public interest in the hearing taking place in public.
4. The Panel will consider requests for permission for other persons to appear at the hearing. Such permission will not be unreasonably withheld.
5. The Chairman will ask the Principal Licensing Officer to outline the background to the case.
6. The hearing shall take the form of a discussion led by the Panel (through the Chairman) and cross-examination shall not be permitted unless the Panel considers that cross-examination is required for it to consider the matter.

7. The Chairman is likely to ask for the views of the parties in the following order:-
 - (a) the applicant/licence holder (including any other persons who have been given permission to participate);
 - (b) any party making representations (including any other persons who have been given permission to participate).
8. The applicant/licence holder will be given the final opportunity to address the Panel.
9. The Panel may exclude disruptive persons.
10. The Panel may adjourn the hearing.
11. The Panel may ask the parties to withdraw so that it can consider its determination. In considering its determination, the Panel may ask its Legal Advisor to provide it with legal and procedural advice. The nature of this advice will be notified to the parties.
12. The Panel will make its determination at the end of the hearing and this will be confirmed in writing.

February 2017

HAMBLETON DISTRICT COUNCIL

Report To: Licensing and Appeals Hearings Panel
30 October 2017

From: Director of Law and Governance (Monitoring Officer)

Subject: **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE
CARLTON CARS (N YORKS) LTD – PH79**

1.0 **SUMMARY**

1.1 Members are asked to consider whether or not to grant an application for the renewal of a private hire vehicle licence.

2.0 **PROCEDURE**

2.1 The procedure for licensing hearings is attached as an Annex to the Agenda.

3.0 **BACKGROUND**

3.1 Since 10th November 2015, Carlton Cars (N Yorks) Ltd have held a private hire vehicle licence (plate number PH79) in respect of a Volkswagen Passat, vehicle registration mark FA03 HWU. The licence is due to expire on 31st October 2017.

3.2 On 5th October 2017, Carlton Cars (N Yorks) Ltd applied to renew the private hire vehicle licence pertaining to the vehicle. A copy of the application form is attached at **Annex A**.

3.3 All applicants are required to produce a current MOT Certificate and proof that the licensing authority's testing arrangements have been satisfied (i.e. a test paper completed and signed by a Hambleton-based VOSA-accredited testing station). At the time of writing, no such documents have been produced in respect of PH79 but the applicant has indicated that they will be submitted in due course.

3.4 The MOT history of the vehicle has been taken from the GOV.UK website and is attached at **Annex B**.

3.5 The most recent MOT certificate shows that, on 26th October 2016, the recorded mileage was 168,902 miles.

3.6 According to the registration document, attached at **Annex C**, the vehicle in question was first registered on 10th July 2003.

4.0 **POLICY CONSIDERATIONS**

4.1 In carrying out its licensing functions, the Panel should have regard to the council's Hackney Carriage and Private Hire Licensing Policy.

4.2 In accordance with paragraph 3.2.1 of the policy, the council will generally only grant a licence in respect of a private hire vehicle if it is less than 10 years old at the time of the application. For these purposes, the age of the vehicle shall be taken from the date of first registration. The vehicle in question surpassed this general age limit in July 2013.

- 4.3 The Licensing Committee approved the adoption of an age policy on 11th February 2016 having satisfied itself that it was appropriate to promote public safety, reliability and improved high standards of hackney carriage and private hire services in the district.
- 4.4 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.
- 4.5 Each case must be considered in the light of the policy but not so that the policy automatically determines the outcome¹.
- 4.6 According to the minutes of the meeting on 11th February 2016, the Licensing Committee acknowledged that the policy allowed exceptions to the general rule 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.
- 4.7 The onus is on the applicant to demonstrate that any such exception should be made².

5.0 DETERMINATION BY THE PANEL

- 5.1 Members are advised to take one of the following steps:
 - 5.1.1 The Panel may conclude that the specific circumstances of the applicant's individual case justify making an exception from the general policy, in which case, the Panel may grant the application; or
 - 5.1.2 The Panel may refuse to renew the licence on the grounds of any reasonable cause.

Background papers: Hackney Carriage and Private Hire Licensing Policy
Procedure for Licensing Hearings

Author ref: SF

Contact: Simon Fisher
Principal Licensing Officer
Direct Line No: (01609) 767209

¹ R v Hampshire County Council, ex p W [1994] ELR 460
² R v Crown Court at Sheffield, ex p Consterdine (1998) [2002] L.L.R. 712

HAMBLETON**DISTRICT COUNCIL**

Application to Renew a Private Hire Vehicle Licence

Local Government (Miscellaneous Provisions) Act 1976

SECTION 1 - LICENCE DETAILS

1	Licence Number	79
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SECTION 2 - VEHICLE DETAILS

2	Registration number	FA03 HWU
3	Make and Model	Volkswagen Passat
4	Colour	Silver
5	Engine number	AVF333550
6	Chassis number	WVW2223B23P439844
7	Date of first registration	10/07/2003

Please note that vehicles over the age of 10 years will not generally be licensed. Any applications in respect of such vehicles should be accompanied by some supporting documentation to demonstrate that the specific circumstances of the case would warrant a departure from the Council's policy.

8	Number of passengers (excluding driver seat)	4
9	Are the seating arrangements kept in accordance with the manufacturer's original specification?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If not, it may be subject to testing under the Individual Vehicle Approval (IVA) scheme.

10	Is this vehicle wheelchair accessible (i.e. adapted or designed to carry at least one wheelchair user whilst in their wheelchair)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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SECTION 3 - PROPRIETOR DETAILS

11	Proprietor Status	<input type="checkbox"/> Single individual (Please complete Part A) <input type="checkbox"/> Multiple individuals (Please complete Parts A and B) <input checked="" type="checkbox"/> Company (Please complete Part C)
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PART A - FIRST INDIVIDUAL PROPRIETOR

12	Name	
13	Address	
14	Date of birth	
15	Telephone Number	
16	Email Address	
17	Are you the sole proprietor of the vehicle?	<input type="checkbox"/> Yes <input type="checkbox"/> No

If no, the second proprietor must complete Part B overleaf. If there are more than two proprietors, please use a separate sheet.

18	Have you been convicted or cautioned for any motoring or criminal offence since your last application? If yes, please provide details below. Use a separate sheet if necessary.	<input type="checkbox"/> Yes <input type="checkbox"/> No
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	Date	Offence	Court	Sentence
i				
ii				
iii				

PART B - SECOND INDIVIDUAL PROPRIETOR

19	Name	
20	Address	
21	Date of birth	
22	Telephone/email	

23	Have you been convicted or cautioned for any motoring or criminal offence since your last application? If yes, please provide details below. Use a separate sheet if necessary.	<input type="checkbox"/> Yes <input type="checkbox"/> No
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	Date	Offence	Court	Sentence
i				
ii				
iii				

PART C - COMPANY PROPRIETOR

24	Registered Name	Carlton Cars (N. Yorks) LTD
25	Registered Address	Longlands, Goldgate Lane, Swainby
26	Company Reg Number	5761356
27	Contact Name	Tim Wightson
28	Telephone/email	01642 706313 tim@carltoncarsnyld.co.uk

29	Are you the sole proprietor of the vehicle?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No*
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If no, any other proprietor(s) must complete Part A and/or Part B and/or a separate sheet (in the case of multiple company proprietors).

30	Has the company secretary, any director or any other officer of the company been convicted or cautioned for any motoring or criminal offence since your last application? If yes, please provide details below. Use a separate sheet if necessary.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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	Date	Offence	Court	Sentence
i				
ii				
iii				

SECTION 4 – DECLARATION AND SIGNATURE

To be completed by all persons named on the application form. In the case of a company proprietor, the form should be signed by an authorised officer of the company.

31 It is a criminal offence to make a false statutory declaration in connection with an application.

I hereby declare that the above information is true to the best of my knowledge.

32	Signature	
33	Name (please print)	TIM WRIGHTSON
34	Date of signature	5/10/17
35	Signature	
36	Name (please print)	
37	Date of signature	

Please call the Licensing Section on 01609 767079/767017 to arrange an appointment if you wish to return this form in person.

This authority is under a duty to protect the public funds it administers, and to this end, may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing and administering public funds for these purposes.



Check MOT history (<https://www.gov.uk/check-mot-history>)

This vehicle's MOT expires soon

Vehicle

VOLKSWAGEN PASSAT

MOT valid until

28 October 2017

Registration

FA03HWU

Fuel type

Diesel

Colour

Silver

Date registered

10 July 2003

MOT history

Date tested

26 October 2016

PASS

Mileage

168,902 miles

MOT test number

4882 7960 5704

Test location

**SWALES GARAGE LTD
CLACK LANE GARAGE
OSMOTHERLEY
NORTHALLERTON
DL6 3PN**

Expiry date

28 October 2017

Advisory notice item(s)

- **brake disc worn, pitted or scored, but not seriously weakened all four (3.5.1i)**
- **Nearside Rear Brake hose has slight corrosion to ferrules (3.6.B.4e)**
- **Offside Rear Brake hose has slight corrosion to ferrules (3.6.B.4e)**
- **Nearside Headlamp deteriorated but light output not reduced (1.7.5a)**

Date tested

21 October 2016

FAIL

Mileage

168,449 miles

MOT test number

3166 7351 8967

Test location

**SWALES GARAGE LTD
CLACK LANE GARAGE**

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**OSMOTHERLEY
NORTHALLERTON
DL6 3PN**

Reason(s) for failure

- **Nearside Front Brake hose excessively deteriorated (3.6.B.4d)**
- **Offside Front Brake hose excessively deteriorated (3.6.B.4d)**

Advisory notice item(s)

- **brake disc worn, pitted or scored, but not seriously weakened all four (3.5.1i)**
- **Nearside Rear Brake hose has slight corrosion to ferrules (3.6.B.4e)**
- **Offside Rear Brake hose has slight corrosion to ferrules (3.6.B.4e)**
- **Nearside Headlamp deteriorated but light output not reduced (1.7.5a)**

Date tested
29 October 2015

PASS

Mileage
141,293 miles

MOT test number
9113 8110 9320

Test location
**NORTHALLERTON
SERVICE CENTRE
BINKS CLOSE
STANDARD WAY
INDUSTRIAL ESTATE
NORTHALLERTON
DL6 2YB**

Expiry date
28 October 2016

Advisory notice item(s)

- **Offside Front Upper Suspension arm rubber bush deteriorated but not resulting in excessive movement rear arm inner bush (2.4.G.2)**

Date tested
30 March 2015

PASS

Mileage
Unreadable

MOT test number
4591 7978 5081

Test location
**KWIK FIT
258 LONGLANDS ROAD
MIDDLESBROUGH
TS4 2LW**

Expiry date
29 March 2016

Date tested
29 March 2015

Mileage
136,335 miles

MOT test number
8475 6818 5031

FAIL

Test location
KWIK FIT
258 LONGLANDS ROAD
MIDDLESBROUGH
TS4 2LW

Reason(s) for failure

- **Rear Registration plate lamp insecure (1.1.C.1c)**
- **Offside Registration plate lamp not working (1.1.C.1d)**

Date tested
25 March 2013

PASS

Mileage
109,739 miles

MOT test number
6874 9458 3088

Test location
EVANS HALSHAW
(NISSAN)
A66 NISSAN
CARGO FLEET LANE
MIDDLESBROUGH
TS3 6AS

Expiry date
5 April 2014

Advisory notice item(s)

- **Nearside Front Tyre worn close to the legal limit (4.1.E.1)**
- **Offside Rear Tyre worn close to the legal limit (4.1.E.1)**
- **Nearside Rear Shock absorber has a light misting of oil (2.7.3)**
- **Offside Rear Shock absorber has a light misting of oil (2.7.3)**

Date tested
25 March 2013

FAIL

Mileage
109,739 miles

MOT test number
9993 5428 3026

Test location
EVANS HALSHAW
(NISSAN)
A66 NISSAN
CARGO FLEET LANE
MIDDLESBROUGH
TS3 6AS

Reason(s) for failure

- **Nearside Registration plate lamp not working (1.1.C.1d)**

Advisory notice item(s)

- **Nearside Front Tyre worn close to the legal limit (4.1.E.1)**
- **Offside Rear Tyre worn close to the legal limit (4.1.E.1)**
- **Nearside Rear Shock absorber has a light misting of oil (2.7.3)**
- **Offside Rear Shock absorber has a light misting of oil (2.7.3)**

Date tested
31 March 2012

PASS

Mileage
94,294 miles

Test location
**EVANS HALSHAW
(NISSAN)
A66 NISSAN
CARGO FLEET LANE
MIDDLESBROUGH
TS3 6AS**

MOT test number
3897 6139 2044

Expiry date
5 April 2013

Date tested
6 April 2011

PASS

Mileage
78,878 miles

Test location
**EVANS HALSHAW
(NISSAN)
A66 NISSAN
CARGO FLEET LANE
MIDDLESBROUGH
TS3 6AS**

MOT test number
6385 5669 1034

Expiry date
5 April 2012

Advisory notice item(s)

- **Windscreen has damage to an area less than a 40mm circle outside zone 'A' (8.3.1d)**

Date tested
5 April 2011

FAIL

Mileage
78,878 miles

Test location
**EVANS HALSHAW
(NISSAN)
A66 NISSAN
CARGO FLEET LANE
MIDDLESBROUGH
TS3 6AS**

MOT test number
2197 1539 1028

Reason(s) for failure

- **Offside Headlamp excessively damaged so that the light output is severely reduced (1.7.5a)**

Date tested
24 June 2010
PASS

Mileage
69,912 miles

Test location
AMR AUTOS
GREENHOW HILL FARM
GREAT AYTON
MIDDLESBROUGH
TS9 6QF

MOT test number
8248 9517 0183

Expiry date
10 July 2011

Advisory notice item(s)

- **Windscreen has damage to an area less than a 40mm circle outside zone 'A' (8.3.1d)**
- **Rear Direction indicators slightly discoloured (1.4.A.2f)**
- **Centre Exhaust has part of the system slightly deteriorated (7.1.1a)**

Date tested
1 July 2009
PASS

Mileage
58,142 miles

Test location
AMR AUTOS
GREENHOW HILL FARM
GREAT AYTON
MIDDLESBROUGH
TS9 6QF

MOT test number
7508 3278 9155

Expiry date
10 July 2010

Advisory notice item(s)

- **Nearside Front Windscreen has damage to an area less than a 40mm circle outside zone 'A' (8.3.1d)**
- **Brake pad(s) wearing thin (3.5.1g)**
- **Front constant velocity joint gaiter deteriorated (2.5.C.1a)**

Date tested
1 July 2009
FAIL

Mileage
58,142 miles

Test location
AMR AUTOS
GREENHOW HILL FARM
GREAT AYTON
MIDDLESBROUGH
TS9 6QF

MOT test number
4322 1218 9189

Reason(s) for failure

- **Nearside Front Headlamp aim too low (1.8)**

- **Rear registration plate deteriorated (6.3.1d)**

Advisory notice item(s)

- **Nearside Front Windscreen has damage to an area less than a 40mm circle outside zone 'A' (8.3.1d)**
- **Brake pad(s) wearing thin (3.5.1g)**
- **Front constant velocity joint gaiter deteriorated (2.5.C.1a)**

Date tested
20 June 2008

PASS

Mileage
47,895 miles

Test location
**VTS_1ALK15
STATION ROAD
STOKESLEY
MIDDLESBROUGH
TS9 7AB**

MOT test number
3948 7257 8115

Expiry date
10 July 2009

Date tested
26 June 2007

PASS

Mileage
39,926 miles

Test location
**VTS_1ALK15
STATION ROAD
STOKESLEY
MIDDLESBROUGH
TS9 7AB**

MOT test number
2810 3707 7197

Expiry date
10 July 2008

Advisory notice item(s)

- **Nearside Front Lower Windscreen has damage to an area less than a 40mm circle outside zone 'A' (8.3.1d)**

Date tested
5 July 2006

PASS

Mileage
29,017 miles

Test location
**VTS_1ALK15
STATION ROAD
STOKESLEY
MIDDLESBROUGH
TS9 7AB**

MOT test number
2130 1628 6472

Expiry date
10 July 2007

Advisory notice item(s)

- **inner and outer edges worn on n/s/r tyre**

4. Vehicle details

A Registration number **FA03 HWU** 2 [A.1] Validation character **W** 3

B Date of first registration 10 07 2003
 [B.1] Date of first registration in the UK 10 07 2003

D.1 Make VOLKSWAGEN
 D.2 Type

Variant STAVFX01
 Version SGFM61E010S00GE

D.3 Model PASSAT SPORT TDI
 D.5 Body type 4 DOOR SALOON
 [X] Taxation class DIESEL CAR
 [D.6] Suspension Type
 [Y] Revenue weight 1474.0 KG UNLADEN
 P.1 Cylinder capacity (cc) 1896 CC
 V.7 CO₂ (g/km) 154 G/KM
 P.3 Type of fuel HEAVY OIL

S.1 Number of seats, including driver
 S.2 Number of standing places (where appropriate)

[D.4] Wheelplan 2-AXLE-RIGID BODY
 J Vehicle category M1
 K Type approval number e1*98/14*0157*09 *

P.2 Max. net power (kW)
 E VIN/Chassis/Frame No. WVVZZZ3BZ3P439844
 P.5 Engine number AVF 333550
 F.1 Max. permissible mass (exc. m/c)
 G Mass in service 1549
 Q Power/Weight ratio (kW/kg) (only for motorcycles)
 R Colour SILVER

O Technical permissible maximum towable mass of the trailer:
 O.1 braked (kg)
 O.2 unbraked (kg)

U Sound level:
 U.1 stationary (dB(A))
 U.2 engine speed (min-1)
 U.3 drive-by (dB(A))

V Exhaust Emissions:
 V.1 CO (g/km or g/kWh) 0.181
 V.2 HC (g/km or g/kWh)
 V.3 NOx (g/km or g/kWh) 0.313
 V.4 HC+NOx (g/km) 0.340
 V.5 particulates (g/km or g/kWh) 0.040

5. Registered keeper

If any details are wrong enter the correct details in section 6, sign section 8, and return to DVLA

C.4.c - This document is not proof of ownership.

C.1.1 **CARLTON CARS N YORKS LTD**
 C.1.3 **LONGLANDS
 GOLDGATE LANE
 SWAINBY
 NORTHALLERTON
 DL6 3HS**

I ACQUIRED VEHICLE ON 28 10 2015

Please write in black ink and CAPITAL LETTERS.

6. New keeper or new name/new address details

Please see section 12

Mr 1 Mrs 2 Miss 3 Please tick the appropriate box **W** 4

Title (for example, Ms, Rev and so on) or business name:
 First names:
 Surname:

For company use only DVLA/DVA Fleet number 7
 Date of birth (not required by law) Postcode: Please help us to help you by giving your postcode.
 8 9

House No:
 Address:
 10
 Post town: 11

New keeper? If so tick this box: **K** 12 Date of sale or transfer: **10 10 2015** 13

Driving licence number of the new keeper (not required by law)
 Present mileage (not required by law) 15
R 16 **S** 17

7. Changes to current vehicle

Only enter corrected or altered details

H 19

Wheelplan / Body type 20

VIN / Chassis / Frame Number 21

New revenue weight Date of change Cylinder capacity (cc)
 22 23 24

No. of seats inc. driver No. of standing places Type of fuel
 25 26 27

Engine number 28

New colour Date of change CLR
 29 30

Tax class* **Y** 31 32

The tax class shown in section 4 can only be changed when taxing. Please apply at your nearest Post Office.

8

Declaration - You MUST sign, date and return this page to DVLA, Swansea, SA99 1BA when you notify any changes.

Registered keeper: I declare that the new details I have given are correct to the best of my knowledge.

New keeper: I declare that this vehicle was sold or transferred to me on the date shown in section 6 and my name and address are correctly shown.

Signature: Date:

Signature: Date:

Law: If the vehicle is sold or transferred, both the registered keeper and the new keeper must sign this Certificate.

Official use only - Please do not write below this line.

V5C-0614

Doc. Ref. N° 6109 844 4970 20 04 16
 Des. Codes 1360670150 / 002969 22

FA03 HWU **W**



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