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## **AGENDA**

Committee Administrator: Democratic Services Officer (01609 767015)

Tuesday, 2 October 2018

**Dear Councillor** 

### **NOTICE OF MEETING**

Meeting LICENSING AND APPEALS HEARINGS PANEL

Date Wednesday, 10 October 2018

Time **9.30 am** 

Venue Main Committee Room, Civic Centre, Stone Cross, Northallerton

Yours sincerely

J. Ives.

Dr Justin Ives Chief Executive

To: Councillors

M A Barningham (Chairman)

P Bardon

Councillors K G Hardisty

Other Members of the Council for information

## **AGENDA**

		Page No
1.	APOLOGIES FOR ABSENCE	
2.	APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE VEHICLE LICENCE, MR AHMET ESER - HC136	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

26 September 2018

**From:** Director of Law and Governance (Monitoring Officer)

Subject: APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE VEHICLE

**LICENCE - MR AHMET ESER - HC136** 

#### 1.0 SUMMARY

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

#### 2.0 PROCEDURE

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

#### 3.0 LICENCE STATUS

- 3.1 Since 7<sup>th</sup> September 2017, Mr Ahmet Eser has held a hackney carriage vehicle licence (plate number HC136) in respect of a Renault Laguna, vehicle registration mark SE08 BVT.
- 3.2 The licence expired on 31<sup>st</sup> August 2018. However, a renewal application was received prior to the expiry date and public hire 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.
- 3.3 Mr Eser applied to renew the hackney carriage vehicle licence on 30<sup>th</sup> August 2018. A copy of the application form is attached at **Annex A**.
- 3.4 According to the registration document, attached at **Annex B**, the vehicle in question was first registered on 8<sup>th</sup> August 2008.
- 3.5 All applicants are required to produce the following documents before a licence will be renewed:
  - a current MOT Certificate;
  - 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);
  - a current vehicle insurance certificate or cover note which includes the carriage of passengers for private hire;
- 3.6 The applicant has produced the requisite documents listed in 3.3 and copies are attached at **Annexes C**, **D** and **E**. The documents have been accepted and validated by licensing officers.
- 3.7 The MOT history of the vehicle has been taken from the GOV.UK website and is attached at **Annex F**.
- 3.8 The most recent vehicle test paper shows that, on 6<sup>th</sup> June 2018, the recorded mileage was 127,910 miles.

#### 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 2.2.1 of the policy, the council will generally only grant a licence in respect of a hackney carriage 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 August 2014.
- 4.3 The Licensing Committee approved the adoption of an age policy on 11<sup>th</sup> 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 outcome<sup>1</sup>.
- 4.6 According to the minutes of the meeting on 11<sup>th</sup> 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 made<sup>2</sup>.

### 5.0 <u>DETERMINATION BY THE PANEL</u>

- 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.

**GARY NELSON** 

DIRECTOR OF LAW AND GOVERNANCE (MONITORING OFFICER)

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

<sup>2</sup> R v Crown Court at Sheffield, ex p Consterdine (1998) [2002] L.L.R. 712

<sup>&</sup>lt;sup>1</sup> R v Hampshire County Council, ex p W [1994] ELR 460

# New / Renewal HC Vehicle

Registration nur	mber <u>SE</u>	OS BVT Lice	ence Numberl	36
Applicants (full ı	name)	AHMET ESER.		
Date application rec	eived <u>07-</u> 0	<u> </u>	Licence IssuedO*	7.09.17
Received	Tick		Date	
		Payment	07.09.17	_ Chq, Cash Card
	<b></b>	Receipt number	ZZSTOC	2141831
		Insurance	070917	_
		MOT	07.09.17	
		Registration Docume	ents	07.09.17 _ 07.09.17
		Garage Test Certific	ate <u>07.09.17</u>	- careful
		Meter Certificate	07.09.17	_
	X	LP Gas Certificate (i	f req.)	=
Notes				
New Vehicles Plate	e madeV	<u>[</u>		
New Vehicles Side	panels mad	e		
			2 - 2 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	
Office Use:				
S509 HACKVEH				

Hackney Vehicle/Private Hire Licence: £370.00 (New) £385.00 (Renewai)



# Application for a Hackney Carriage Vehicle Licence

Local Government (Miscellaneous Provisions) Act 1976 Town Police Clauses Act 1847

SEC	CTION 1 - P	ROPRIETOR	DET#	AILS		
1	Proprietor S	tatus	☐ M	ingle individual ultiple individuals ompany	(Please complete (Please complete (Please complete	Parts A and B)
PAR	T A - FIRST	INDIVIDUAL I	PROPR	<u>IETOR</u>		
2	Name		AH	MET ESER		
3	Address		251	ARLING HALL	SOUTH KILVIN	STON THE
4	Date of birth	n	20	10.71		
5	Telephone I	Number	0	1927152940	ì	
6	Email Addre	ess	bu	22blue 101 0	gmail-com	
7		sole proprieto				Yes No
plea	ase use a sep	d proprietor m arate sheet. ND INDIVIDU		nplete Part B below.	f there are more than	two proprietors,
8	Name	ND INDIVIDO	I I	TRILITOR		
9	Address					
10	Date of birt	h				
11	Telephone		=			
12	Email Addr			***		
L					34.5.	
		ANY PROPRI	EIOR			
13						
14	1		<u> </u>			
15	1	Reg Number	<u> </u>			
16	+		-			
17			-			
18						
SE		ONVICTIONS		Section 2	والمسالة النصالة	
19	cautioned details be	for any moto elow. For	ring or busines	named on this form criminal offence? If y ses, include all te sheet if necessary.	es, please provide   offences for any	☐ Yes ☑ No
	Date	Name		Offence	Court	Sentence
i				Page 6		
1 14		1				

SEC	CTION 3 - VEHICLE DE	T/	AILS	
20	Registration number		SE08 BVT	
21	Make and Model		Renavit Laguna Dynamique	001110
22	Colour		GREY	
23	Engine number		D027065	
24	Chassis number		VFIKTOA064033342	.3
25	Date of first registration		08.08.2008	
	sat at auch vohiolae chault	rł I	e age of 10 years will not generally be licensed. And the accompanied by some supporting documentate in the case would warrant a departure from the Cou	TOTE TO Methodiociate
26	Number of passengers (excluding driver seat)		4	
27	original specification?		nts kept in accordance with the manufacturer's	☑ Yes ☐ No
no	t, it may be subject to testi	ng	under the Individual Vehicle Approval (IVA) scher	The second secon
28	ls this vehicle wheelchair least one wheelchair use	r a	accessible (i.e. adapted or designed to carry at whilst in their wheelchair)?	☐ Yes ☑ No
	<ul> <li>I hereby declare that the line within the district of</li> </ul>	l ir	above information is true to the best of my knowled intend to use the vehicle (either entirely or predo- Hambleton.	edge. ominantly) to ply fo
30			au -	
31	Name (please print)		AHMET ESER	
32	Date of signature			
33	Signature			
34	Name (please print)			
-		$\neg$		
35		_	on on 01609 767079/767017 to arrange an appoin	to and if your rains a

S509HACKVEH / 093VEH : £

Temporary or Official Receipt No:

Page 7

Office Use Only

#### Annex C

**Driver & Vehicle** 

Standards

Agency

## MOT test certificate

Vehicle identification number

#### VF1KT0A0640333423

2 Registration number

2b Country of registration

SE08BVT

GB

Make and model

### **RENAULT LAGUNA**

5 Vehicle category

4 Mileage

Mileage history

M1 127,910 miles

**100,389 miles** 19.07.2017

94,005 miles 86,233 miles 08.07.2016

11.07.2015

## Pass with defects

# Repair as soon as possible (minor defects)

• Anti-roll bar linkage ball joint dust cover severely deteriorated Offside Front (upper and lower) [5.3.4 (b) (i)]

## Monitor and repair if necessary (advisories)

- Direction indicator slightly discoloured Rear [4.4.3 (a)]
- Brake pad(s) wearing thin Rear [1.1.13 (a) (ii)]
- (nearside rear tyre worn particularly on outer edge)

3b Date of the test

® Expiry date

06.06.2018

05.06.2019

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 06.05.2019.

3a Location of the test

### 61-73 LONG STREET, THIRSK, YO7 1AW

Testing organisation and inspector name

V103430 KWIK FIT M. A. BRIGGS

MOT test number

1579 7303 7381

Check that this document is genuine by visiting www.gov.uk/check-mot-history

If any of the details are not correct, please contact DVSA by email at **enquiries@dvsa.gov.uk** or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing

at www.gov.uk/mot-reminder or by telephone on 0300 1239000.

Musjyks Inspector signature

**Pagaget** d VT2072.0



## **Hackney Carriage and Private Hire Inspection Form**

Local Government (Miscellaneous Provisions) Act 1976

**IMPORTANT: Read Standards of Inspection Overleaf** 

Chassis No:	Inspection Form Reference:		Class of Inspection:
Vehicle Registration:	Make and Model:	Year of Manufacture:	Hackney Carriage
Plate No:	Mileage: 133697	Colour	Private Hire

All Hackney Carriage and Private Hire Vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2.

Failure to meet such standards would constitute an automatic fail of the Hackney Carriage and Private Hire Vehicles Inspection.

In addition, the inspection should be failed if any of the reasons overleaf apply.

			15 1 100
Item Tested	Pass (✓)	Fail (x)	Reasons for Failure (see overleaf for guidance)
MOT	-	-	(See overleal for guidance)
MOT requirements	1/		
Lighting Equipment	10		
Front and rear lamps	1./	i -	
Headlamps			
Stop lamps	-		
Rear reflectors	1		
Direction indicators	1		
		1	
Steering and suspension	1 7		
Steering control	/		
Steering mechanism/system		1.0	
Power steering			
Transmission			
Wheel bearings	/		
Front suspension	/		
Rear suspension	-		
Shock absorbers			
Brakes			
Controls/ABS warning system	1		
Condition of service brake system			
Condition of parking brake system	/		
Service brake performance			
Parking brake performance	1		
Tyres and wheels			
Tyre type	1./		
Tyre condition (including spare)			
Road wheels	/		
Seat belts			
Mountings	/		
Conditions	1		
General		_	
Driver's view of the road, mirrors			
Horn			
Exhaust system			
Fuel system	//		
Exhaust emissions	/		
Body interior			
Luggage space	/		
Fire extinguisher and first aid kit			
Meter – test and seal			
Licence plates/discs (if applicable)			
Roof sign and For Hire sign (HC only)			
Body exterior	/		
Doors			
Seats	/		
Electrical wiring and equipment	/		
Speedo	/		
Oil and water leaks	/		
Wheelchair accessible vehicles			
Restraints and seatbelts	NIA		
Ramps	No		
Lifts	NO.	De	ne 10
		- 12	



## **Hackney Carriage and Private Hire Inspection Form**

Local Government (Miscellaneous Provisions) Act 1976

## Standards of Inspection

Lighting Equipment	Reasons for Failure			
Front and rear lamps				
Headlamps	Lights inoperable or of insufficient intensity. Incorrect bulbs fitted.			
Stop lamps				
Rear reflectors	Lamps not properly aligned.			
Direction indicators	Lamp flickers when tapped lightly by hand.			
Steering and suspension	Reasons for Failure			
Steering control				
Steering mechanism/system				
Power steering	Inoperable, worn or faulty steering or suspension			
Transmission				
Wheel bearings	Inoperable, worn or faulty steering or suspension.  Jagged edges on steering wheel rim.			
Front suspension	bugged edges on steering wheel tim.			
Rear suspension	· '			
Shock absorbers	-			
Brakes	Reasons for Failure			
Controls/ABS warning system	NGGSVIIS IVI FAIIUIE			
Condition of service brake system	and the filling of the control of th			
Condition of parking brake system	And the second s			
	Any of the systems do not operate effectively and/or safely.			
Service brake performance	======================================			
Parking brake performance				
Tyres and wheels	Reasons for Failure			
Tyre type	Damaged, worn, substandard or otherwise illegal tyres.			
Tyre condition (including spare)	Spare wheel, jack and wheelbrace (or manufacturers' alternative) not provided and se			
Road wheels	I			
Seat belts	Reasons for Failure			
Mountings	Damaged, worn or incorrectly operating seatbelts.			
Conditions	Insufficient seatbelts.			
General	Reasons for Failure			
Driver's view of the road, mirrors	Loose, damaged, missing or defective mirrors.			
Hom	Defective horn.			
Exhaust system	Missing, insecure or inadequate heat shield.			
Fuel system	Leaks, excessive wear, damaged or insecure pipes, missing filler cap.			
Exhaust emissions	Excessive smoke emission.			
Body interior	Excessive corrosion/damage, unsightly appearance, staining, sharp edges.			
Body exterior	Excessive corrosion/damage, unsightly appearance, poor repair/paint match, sharp edges.			
Luggage space	No separation from passenger seating area.			
Fire extinguisher and first aid kit	First aid kit or fire extinguisher is missing, out of date or in a poor/contaminated condition.			
Meter – test and seal	Meter not linked to roof sign. Meter not sealed.			
Licence plates/discs	Damaged/illegible/insecure plate. Licence plate details do not match registration details.			
Roof sign and For Hire sign (HC only)	Insecure sign, inconsistent/insufficient illumination, excessive damage to wiring.			
Doors	Defective locks, windows, door lights, damaged/missing door seals.			
Seats	Insecure seats or excessive dirt, stains, holes or tears.			
Electrical wiring and equipment	Evidence of overheating. Heavily contaminated with oil.			
Speedo	Speedometer inoperative or defective.			
Oil and water leaks	Evidence of oil or water leaks including sun roof/windows.			
Wheelchair accessible vehicles	Reasons for Failure			
2 1 1 1 1 1 1	Restraints/seatbelts missing, anchorage insecure, webbing frayed, locking ineffective			
Restraints and seatbelts				
Restraints and seatbelts Ramps	Inappropriate/insufficient ramps, non-slip provision worn, risk of obstruction or trip hazard.			

I hereby certify that the above vehicle has been inspected to the standar not* been found to be roadworthy to be used as a hackney carriage/privatime of inspection.	ds above and has/has ate hire vehicle* at the	Garage Name and Address:
Signed Mus M	*delete as appropriate	79125( 15) 100 VTS (Vehicle Testing Station)
Signed	(Tester/Inspector)	Number: V1 33 435
Name (in capitals) M Kruss	Date 25 31 16	Authorised Examiner Number:
WADNING, IN MY ODINION THE VEHICLE IS A MOTOR OF THE		

\*If the test is failed, please contact the Licensing Team on 01609 767079 or 01609 767017

## Certificate of Motor Insurance



**Policy No:** 

L/WST/MTX/0265974

Name of Policyholder:

Mr Ahmet Eser

Vehicle Registration:

SE08BVT

**Declared Licencing Authority:** 

Hambleton

Effective time and date of commencement for the purpose of the relevant Road Traffic Acts:

Operative Date: 12:00(24hrs) 24 September 2017

Operative Until:

12:00(24hrs) 24 September 2018

#### PERSONS ENTITLED TO DRIVE AND LIMITATIONS AS TO USE:

**Named Driver** 

Date of Birth **Named Driver**  **Date of Birth** 

Ahmet Eser

20/10/1971

**David Fawcett** 

31/05/1965

Provided that the person holds a licence to drive the vehicle or has held and is not disqualified from holding or obtaining such a licence.

#### LIMITATIONS AS TO USE:

Use for the business of the Policyholder as a Public Hire Licence Holder in accordance with local licensing authority requirements including the Carriage of Passengers for Hire and Reward.

Including Social Domestic and Pleasure purposes.

#### **Excluding:**

Use for racing, pacemaking, competitions, rallies or reliability trials, speed testing, commercial travelling or any use in connection with the motor trade.

> North Yorkshire Agency 1 Claro Court Business Park Harrogate North Yorkshire HG1 4BA

Tel: 01423 521521

Email: spataxiinsurance@btconnect.com

I hereby certify that the policy to which this Certificate relates satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland, the Isle of Man, the Isle of Jersey, the Isle of Guernsey and the Isle of Alderney. Please see reverse of Certificate for Social, Domestic and Pleasure use in Europe.

Advice to Third Parties: Nothing in this Certificate affects your right as a Third Party

**Chief Executive Officer** Tradex Insurance Company Limited. Authorised Insurers



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

SE08BVT

# RENAULT LAGUNA

Colour Fuel type Date registered

Grey Diesel 8 August 2008

MOT valid until

5 June 2019

## **MOT history**

Check mileage recorded at test, MOT expiry date, defects and advisories

Date tested Mileage MOT test number 6 June 2018 127,910 miles 1579 7303 7381

PASS Test location Expiry date 5 June 2019

Repair as soon as possible (minor defects):

• Offside Front Anti-roll bar linkage ball joint dust cover severely deteriorated upper and lower (5.3.4 (b) (i))

Monitor and repair if necessary (advisories):

- Rear Direction indicator slightly discoloured (4.4.3 (a))
- Rear Brake pad(s) wearing thin (1.1.13 (a) (ii))
- nearside rear tyre worn particularly on outer edge

## The MOT test changed on 20 May 2018

Defects are now categorised according to their severity – dangerous, major, and minor.

Date tested Mileage MOT test number 19 July 2017 100,389 miles 3260 6474 1810

PASS Test location Expiry date 18 July 2018

Date tested

14 July 2017

Mileage

MOT test number

7565 8839 6393

Test location

100,377 miles

Reason(s) for failure

- Offside Rear coil spring broken (2.4.C.1a)
- Nearside Rear coil spring broken (2.4.C.1a)
- Offside Front Anti-roll bar linkage has excessive play in a ball joint (2.4.G.2)

Date tested 8 July 2016 PASS

Mileage

MOT test number **5010 8252 1079** 

94,005 miles

Expiry date

Test location

12 July 2017

Advisory notice item(s)

- Offside Rear Inner Tyre worn close to the legal limit edge (4.1.E.1)
- Offside Front Inner Tyre worn close to the legal limit edge (4.1.E.1)
- Nearside Front Tyre worn close to the legal limit inner and outer edge (BORDERLINE) (4.1.E.1)

Date tested
11 July 2015
PASS

Mileage

MOT test number

86,233 miles

9360 9249 5146

Test location

Expiry date

12 July 2016

Advisory notice item(s)

- Under-trays fitted obscuring some underside components
- Engine covers fitted obscuring some components in the engine bay

Date tested
11 July 2015
FAIL

Mileage

MOT test number

86,233 miles

1195 6289 5183

Test location

Reason(s) for failure

- Nearside Headlamp aim too low (1.8)
- Offside Headlamp aim too low (1.8)
- Front Brake pad(s) less than 1.5 mm thick (3.5.1g)
- Rear Brake pad(s) less than 1.5 mm thick (3.5.1g)

## Advisory notice item(s)

- Parking brake: parking brake efficiency only just met. It would appear that the braking system requires adjustment or repair. (3.7.B.7)
- Under-trays fitted obscuring some underside components
- Engine covers fitted obscuring some components in the engine bay
- rear pads scoring brake disc osr

Date tested	Mileage	MOT test number
11 July 2014	79,530 miles	7684 2279 4111
PASS	Test location	Expiry date 12 July 2015
Date tested 3 July 2013	Mileage <b>71,148 miles</b>	MOT test number <b>3983 1419 3195</b>
PASS	Test location	Expiry date 12 July 2014
Date tested	Mileage	MOT test number
2 May 2012	63,031 miles	2296 0362 2143
PASS	Test location	Expiry date
		1 May 2013
Date tested	Mileage	MOT test number
14 June 2011	53,840 miles	9378 9576 1131
PASS	Test location	Expiry date  13 June 2012

## **Outstanding vehicle recalls**

Check if RENAULT LAGUNA SE08BVT has outstanding recalls

