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 7th 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 31st 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 30th 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 8th 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 6th 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 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 <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

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

New / Renewal HC Vehicle

Registration num	ber <u>SEC</u>	D8 BVT Licence	Number <u>136</u>
Applicants (full na	ame) <u>A</u>	HMET ESER.	
Date application receive	ved <u>07-0</u>	<u>9-17</u> Date Licer	nce Issued <u>07-09-17</u>
Received	Tick		Date
		Payment	010917 Chq, Cash Card
		Receipt number	ZZST00141831
		Insurance	07.09.17
		MOT	07.09.17
		Registration Documents	BILL OF SALE 07.09.17
		Garage Test Certificate	0709.17
		Meter Certificate	07.09.17
	$\overline{\times}$	LP Gas Certificate (if req.)	
Notes			
New Vehicles Plate r	madeV	·······	
New Vehicles Side p	anels made .		
	400- EX		
Office Use:			
S509 HACKVEH			

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



ii

Application for a Hackney Carriage Vehicle Licence

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

SECTION 1 - PROPRIETOR DETAILS							
1	Proprietor St	tatus	□м	ingle individual ultiple individuals ompany	(Please complete (Please complete (Please complete	Parts A and B)	
PAR	PART A - FIRST INDIVIDUAL PROPRIETOR						
2	Name		AHMET ESER				
3	Address		257	ARLING HALL	SOUTH KILVIN	GTON THE	
4	Date of birth		20.10.71				
5	Telephone I	Number	07927152949				
6	Email Addre	ess	buzzbine 101 @ gmaul-rom				
7		sole proprietor			1167	Yes No	
If n	o, the second	d proprietor mu arate sheet.	st cor	nplete Part B below. I	f there are more than	two proprietors,	
-		ND INDIVIDUA	L PRO	PRIETOR			
8	Name						
9	Address						
10	Date of birth	h					
11							
12							
PAF	RT C - COMP	ANY PROPRIE	TOR				
13							
14							
15	+	Reg Number					
16	+						
17							
18	 						
SECTION 2 - CONVICTIONS							
19	Have any of the individuals named on this form been convicted or cautioned for any motoring or criminal offence? If yes, please provide details below. For businesses, include all offences for any secretary/director. Use a separate sheet if necessary.					☐ Yes ☑ No	
	Date	Name		Offence	Court	Sentence	
i							

SEC	CTION 3 - VEHICLE DET	AILS				
20	Registration number	SE08 BVT				
21	Make and Model	Renavit Laguna Dynamique Oci 110				
22	Colour	GREY				
23	Engine number	D027065				
24	Chassis number	VFIKTOA0640333423				
25	25 Date of first registration 08.08.2008					
	sat at awah yahialae ehauld	he age of 10 years will not generally be licensed. Any applications in be accompanied by some supporting documentation to demonstrate of the case would warrant a departure from the Council's policy.				
26	Number of passengers (excluding driver seat)	4				
27	original specification?	ents kept in accordance with the manufacturer's				
If no	t, it may be subject to testin	g under the Individual Vehicle Approval (IVA) scheme.				
28	Is this vehicle wheelchair least one wheelchair user	accessible (i.e. adapted or designed to carry at whilst in their wheelchair)?				
29	I hereby declare that the	make a false statutory declaration in connection with an application. e above information is true to the best of my knowledge.				
	I hereby declare that I intend to use the vehicle (either entirely or predominantly) to ply for hire within the district of Hambleton.					
30	Signature	au				
31	Name (please print)	AHMET ESER				
32	Date of signature					
33	Signature					
34	Name (please print)					
35						
reti	urn this form in person.	ion on 01609 767079/767017 to arrange an appointment if you wish to protect the public funds it administers, and to this end, may use the				
info this	tan usu haya prayidad	on this form for the prevention and detection of fraud. It may also s ies responsible for auditing and administering public funds for these				

Office Use Only

S509HACKVEH / 093VEH : £

Temporary or Official Receipt No:

Des. Codes

1381553120 / 002656

23

fficial Use Onl

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 08

08.07.2016

86,233 miles

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.

Muy Manager Signature

Page 1 of 1 VT20/2.0



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.

Item Tested	Pass (✓)	Fail (x)	Reasons for Failure (see overleaf for guidance)
MOT	-	III	(See Everical for guidance)
MOT requirements	1./		
Lighting Equipment	10		
Front and rear lamps	1./	1	
Headlamps			
Stop lamps	-	1	
Rear reflectors	1		
Direction indicators		1	
Steering and suspension		[
Steering control			
Steering control Steering mechanism/system	1		
Power steering	-//	_	
Transmission	-		
Wheel bearings			
Front suspension	-		
Rear suspension	-		
Shock absorbers	-		
Brakes			
Controls/ABS warning system			
Condition of service brake system			
Condition of parking brake system			
Service brake performance	//	le	
Parking brake performance	1		
Tyres and wheels			
Tyre type			
Tyre condition (including spare)			
Road wheels	/		
Seat belts			
Mountings			
Conditions			
General			
Driver's view of the road, mirrors	1		
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			11
Speedo	1		
Oil and water leaks	/		
Wheelchair accessible vehicles			
Restraints and seatbelts	NIA		
Ramps	No		
Lifts	NA.		



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.				
Stop lamps	Incorrect bulbs fitted.				
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	Inoperable, worn or faulty steering or suspension.				
Power steering					
Transmission					
Wheel bearings	Jagged edges on steering wheel rim.				
Front suspension	and de and an area will mile at their				
Rear suspension					
Shock absorbers					
Brakes	Reasons for Failure				
Controls/ABS warning system	TOUGOTIO IVI FAIIUIE				
Condition of service brake system	and the statement of th				
Condition of parking brake system	Any of the grateria de ant argunt official at the				
Service brake performance	Any of the systems do not operate effectively and/or safely.				
Parking brake performance					
Tyres and wheels	Reasons for Failure				
Tyre type	Damaged, worn, substandard or otherwise illegal tyres. Spare wheel, jack and wheelbrace (or manufacturers' alternative) not provided and secu				
Tyre condition (including spare)					
Road wheels					
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				
	Restraints/seatbelts missing, anchorage insecure, webbing frayed, locking ineffective				
Restraints and seatbelts					
Restraints and seatbelts Ramps	Inappropriate/insufficient ramps, non-skip 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/privitime of inspection.	rds above and has/has ate hire vehicle* at the *delete as appropriate	Garage Name and Address:
Signed Mus M	_ (Tester/Inspector)	VTS (Vehicle Testing Station) Number:
Name (in capitals) M Brucs	Date 25 34 16	Authorised Examiner Number:
MAPANNA IN MY ABANAN THE TOTAL THE T		

WARNING: IN MY OPINION, THE VEHICLE IS DANGEROUS TO DRIVE BECAUSE OF THE FOLLOWING DEFECT:

*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
19 July 2017
PASS

Mileage

100,389 miles

Test location

MOT test number

3260 6474 1810

Expiry date

18 July 2018

Date tested

14 July 2017

Mileage 100,377 miles MOT test number

7565 8839 6393

Test location

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

94,005 miles

5010 8252 1079

Test location

Expiry date 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

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)

Annex F

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 11 July 2014 PASS	Mileage 79,530 miles Test location	MOT test number 7684 2279 4111		
- A33	Test tocation	Expiry date 12 July 2015		
Date tested 13 July 2013	Mileage 71,148 miles	MOT test number 3983 1419 3195		
PASS	Test location	Expiry date 12 July 2014		
Date tested 2 May 2012	Mileage 63,031 miles	MOT test number 2296 0362 2143		
PASS	Test location	Expiry date 1 May 2013		
Date tested 14 June 2011	Mileage 53,840 miles	MOT test number 9378 9576 1131		
PASS	Test location	Expiry date 13 June 2012		

Outstanding vehicle recalls

Check if RENAULT LAGUNA SE08BVT has outstanding recalls