

Forde House
Newton Abbot
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21 May 2019

REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Thursday, 30th May, 2019** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

PHIL SHEARS
Managing Director

Distribution:

- (1) The Members of the Regulatory & Appeals Committee

A link to the agenda on the Council's website is emailed FOR INFORMATION (less reports (if any) containing Exempt Information referred to in Part II of the agenda), to:

- (1) All other Members of the Council
- (2) Representatives of the Press
- (3) Requesting Town and Parish Councils

If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting

Public Access Statement

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- Reports in Parts I and III of this agenda are for public information. Any reports in Part II are exempt from publication due to the information included, under the provisions of the Local Government Act 1972.

A G E N D A

Part I

1. Apologies for absence
2. Minutes (Pages 1 - 2)
To approve the Minutes of the meeting held on 25 April 2019.
3. Agreement of the Agenda between Parts I and II.
4. Matters of urgency/matters of report especially brought forward with the permission of the Chairman.
5. Declarations of Interest.
6. Public questions (if any) under Council Procedure Rule 10.4(g)
7. Councillor questions under procedure Rule 10.4(h)
8. Application for a Hackney Carriage Vehicle Extension HO67 (Pages 3 - 10)
9. Application for a Hackney Carriage Vehicle Extension H201 (Pages 11 - 18)
10. Application for a Hackney Carriage Vehicle Extension H224 (Pages 19 - 28)
11. The District of Teignbridge (Applewood) Shaldon Road, Combeinteignhead
Tree Preservation Order 2018
E2/19/08
(Pages 29 - 34)
12. Exclusion of the Public and Press
The Committee is recommended to resolve

That under Section 100(A)(4) of the Local Government Act 1972, the Press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act.

Part II (Private)

Items which may be taken in the absence of the Public and Press on the grounds that Exempt information may be disclosed.

13. Combined Hackney Carriage/Private Hire Driver Application for Licence (Pages 35 - 44)

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REGULATORY & APPEALS COMMITTEE

25 APRIL 2019

Present:

Councillors Dennis (Chairman), Austen, Cook, Evans, Prowse and Haines (Reserve)

Apologies:

Councillors Hockin

Officers in Attendance:

Marie Downey, Solicitor

Hayley Carpenter, Licensing Officer

Tim Slater, Human Resources and Organisational Development Manager

Trish Corns, Democratic Services Officer

19. MINUTES

The minutes of the meeting held on 25 March 2019 were approved as a correct record and signed by the Chairman.

20. DECLARATIONS OF INTEREST.

There were no declarations of Interest.

21. HACKNEY CARRIAGE VEHICLE EXTENSION

This application was withdrawn at the applicant's request.

22. DISCIPLINARY APPEALS

The Committee referred to the report HR and OD Manager which detailed the current and proposed arrangements for hearing staff appeals under the Disciplinary, Capability, Redundancy and Grievance policies. Such appeals against dismissal and final grievance appeals are currently the responsibility of the Committee. The report recommended that these appeals are delegated to the Managing Director (Head of Paid Service) as enabled by The Local Government Act 2000. The reasons for the proposal were outlined in the report. A Constitution Task and Finish Group would be reviewing the Constitution and this matter could be looked at as part of the review.

Resolved

The current procedure that such appeals lie with the responsibility of the Regulatory and Appeals Committee continue and the matter be reviewed by this Committee in six months.

23. EXCLUSION OF THE PRESS AND PUBLIC

Resolved

That under Section 100(A)(4) of the Local Government Act 1972, the Press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 and 2 of Part 1 of Schedule 12A of the Act.

24. APPLICATION FOR A COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Chairman welcomed all those present and introduced the Committee.

The Legal Adviser set out the procedure for the Hearing. The Licensing Officer also introduced a report which detailed an appeal against the decision to refuse an application for a combined Hackney Carriage/Private Hire Drivers' Licence. The Committee carefully considered the report and the associated appendices together with the oral evidence provided at the Hearing.

The Applicant and his wife were in attendance in support of the appeal and both addressed the Committee. The Applicant submitted a character reference which was circulated.

After considering all written and verbal representations the Committee adjourned to consider its decision.

Upon reconvening it was

Resolved

That the appeal be upheld and the application in respect of a combined Hackney Carriage/Private Hire Licence be approved.

Reason for the Decision

The Committee was satisfied that on the evidence provided at the Hearing the Applicant had sufficiently demonstrated that he was a fit and proper person. By a unanimous decision, the Committee considered there were no grounds to dismiss the appeal.

CLLR CHARLIE DENNIS
Chairman

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN:

DATE: 30th May 2019
REPORT OF: Licensing Officer
SUBJECT: Hackney Carriage Vehicle Extension

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve whether to grant or refuse this request.

1. PURPOSE

The Committee is asked to consider a request to renew and extend a Hackney Carriage licence for a further 12 months.

2. BACKGROUND

Paragraph 5.2 of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy states that:

'A vehicle being presented for initial licensing is required to be under five years old at first registration.

A vehicle being presented for subsequent licensing is required to be under 10 years old with the exception of purpose built cabs. The Council has discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that the vehicle is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six and four monthly testing'.

All vehicle licences are issued annually.

Section 43 of the Town Police Clauses Act 1847 provides that:

'Every licence so to be granted shall be under the common seal of the commissioners, if incorporated, or, if not incorporated, shall be signed by two or more of the commissioners, and shall not include more than one carriage so

TEIGNBRIDGE DISTRICT COUNCIL

licensed, and shall be in force for one year only from the day of the date of such licence, or until the next general licensing meeting, in case any general licensing day be appointed by the commissioners' and

Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

'A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary'.

The above Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public.

The Committee has the discretion to license a vehicle if it is of the view that the vehicle is safe, fit for use and is in an acceptable condition.

Request – The vehicle, a Mercedes E220 , registration KV09 WPK , the applicant wishes the Committee to consider, was first registered on 30th March 2009 will be 10 years old and 2 months old, if granted. The current Hackney Carriage licence expires on 10th June 2019.

The current MOT expires 10th June 2019 and had no advisories

The vehicle passed an inspection at the depot on 24th April 2019 with no advisories.

The vehicle has been inspected by the licensing officer and is in excellent condition internally and externally.

It has been requested that the vehicle is made available at the hearing for inspection by the Committee should the members wish to do so.

3. CONSULTATION

The decision of the Committee following a complete review of the Hackney Carriage and Private Hire Policy in April 2009 after taking into account the views from the trade was as follows:

'The Committee decided that vehicles being presented for initial licensing must be under five years old.'

With regard to subsequent licensing, the Committee decided that 'a vehicle is required to be under ten years old with the exception of purpose built cabs.' However, the Committee decided that 'the Council had discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that it is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals

TEIGNBRIDGE DISTRICT COUNCIL

Committee which can impose such conditions as it thinks fit including six monthly testing.’ The Committee did not consider it appropriate to introduce an upper age or mileage limit.

Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

‘a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.’

4. FINANCIAL IMPLICATIONS

The cost of defending the appeal if the application is refused and the applicant appeals to the Magistrates’ Court.

5. OPTIONS

- a. Grant the request, with or without the condition set out in c. below
- b. Refuse the request.
- c. If the Committee resolve to license the vehicle, Committee is asked to consider whether it is necessary to impose a condition requiring the vehicle to have six or four monthly vehicle inspections.

Hayley Carpenter
Licensing Officer
Environment, Health and Wellbeing

Wards affected	All
Contact for any more information	H Carpenter
Background Papers (For Part I reports only)	<i>Relevant legislation and Hackney Carriage and Private Hire Regulations</i> Hackney Carriage and Private Hire Licensing Policy
Key Decision	N
In Forward Plan	N
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	

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

KV09WPK

MERCEDES E 220

Colour	Fuel type	Date registered
Silver	Diesel	30 March 2009

MOT valid until
23 April 2020

MOT history

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

Date tested	Mileage	MOT test number
24 April 2019	246,021 miles	6563 7835 1693
PASS	Test location	Expiry date
		23 April 2020

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
15 May 2018	216,168 miles	5222 3915 9149
PASS	Test location	Expiry date
		10 June 2019

Date tested	Mileage	MOT test number
15 May 2017	179,313 miles	7519 2056 6625
PASS	Test location	Expiry date
		10 June 2018

Date tested
15 May 2017

FAIL

Mileage
179,312 miles

MOT test number
9712 4811 5684

Test location

Reason(s) for failure

- **Offside Windscreen washer provides insufficient washer liquid (8.2.3)**
- **rear parking (secondary) brakes imbalanced (3.7.B.6b)**

Date tested
25 May 2016

PASS

Mileage
142,083 miles

MOT test number
3507 1486 1072

Test location

Expiry date
10 June 2017

Advisory notice item(s)

- **Front Brake disc's worn.**
- **Offside Front wheel bearing has slight play (2.5.A.3c)**

Date tested
19 May 2016

FAIL

Mileage
141,936 miles

MOT test number
3667 7533 2886

Test location

Reason(s) for failure

- **Windscreen has damage to an area in excess of a 10mm circle within zone 'A' (8.3.1a)**
- **Windscreen has a sticker or other obstruction encroaching into the swept area by more than 40mm outside zone 'A' (8.3.1e)**
- **Nearside Headlamp incorrect colour pink (1.7.5b)**

Advisory notice item(s)

- **Front Brake disc's worn.**
- **Offside Front wheel bearing has slight play (2.5.A.3c)**

Date tested

Mileage

MOT test number

8

18 May 2015

106,735 miles

3875 5863 5190

PASS

Test location

Expiry date

10 June 2016

Advisory notice item(s)

- **Items removed from driver's view prior to test**

Date tested

Mileage

MOT test number

22 May 2014

58,703 miles

3372 9284 4109

PASS

Test location

Expiry date

10 June 2015

Advisory notice item(s)

- **nearside rear tyre down to 2 mm**

Date tested

Mileage

MOT test number

11 June 2013

16,354 miles

6753 8236 3175

PASS

Test location

Expiry date

10 June 2014

Date tested

Mileage

MOT test number

18 May 2012

13,058 miles

7498 5913 2105

PASS

Test location

Expiry date

17 May 2013

Outstanding vehicle recalls

Check if MERCEDES E 220 KV09WPK has outstanding recalls

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN:

DATE: 30th March 2019
REPORT OF: Licensing Officer
SUBJECT: Hackney Carriage Vehicle Extension

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve whether to grant or refuse this request.

1. PURPOSE

The Committee is asked to consider a request to renew and extend a Hackney Carriage licence for a further 12 months.

2. BACKGROUND

Paragraph 5.2 of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy states that:

'A vehicle being presented for initial licensing is required to be under five years old at first registration.

A vehicle being presented for subsequent licensing is required to be under 10 years old with the exception of purpose built cabs. The Council has discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that the vehicle is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six and four monthly testing'.

All vehicle licences are issued annually.

Section 43 of the Town Police Clauses Act 1847 provides that:

'Every licence so to be granted shall be under the common seal of the commissioners, if incorporated, or, if not incorporated, shall be signed by two or more of the commissioners, and shall not include more than one carriage so

TEIGNBRIDGE DISTRICT COUNCIL

licensed, and shall be in force for one year only from the day of the date of such licence, or until the next general licensing meeting, in case any general licensing day be appointed by the commissioners' and

Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

'A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary'.

The above Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public.

The Committee has the discretion to license a vehicle if it is of the view that the vehicle is safe, fit for use and is in an acceptable condition.

Request – The vehicle, a Mercedes E220 , registration KV08 XOC , the applicant wishes the Committee to consider, was first registered on 27th March 2008 will be 11 years old and 2 months old, if granted. The current Hackney Carriage licence expires on 28th May 2019.

The current MOT expires 24th April 2020 and had no advisories

The vehicle passed an inspection at the depot on 30th April 2019 with 3 advisories. Minor damage to off side rear corner, minor dent on bonnet and scratch nearside rear corner of bumper.

The vehicle has been inspected by the licensing officer and is in excellent condition internally and externally.

It has been requested that the vehicle is made available at the hearing for inspection by the Committee should the members wish to do so.

3. CONSULTATION

The decision of the Committee following a complete review of the Hackney Carriage and Private Hire Policy in April 2009 after taking into account the views from the trade was as follows:

'The Committee decided that vehicles being presented for initial licensing must be under five years old.'

With regard to subsequent licensing, the Committee decided that 'a vehicle is required to be under ten years old with the exception of purpose built cabs.' However, the Committee decided that 'the Council had discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that it is in a good condition and good state of repair and provided

TEIGNBRIDGE DISTRICT COUNCIL

that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six monthly testing.’ The Committee did not consider it appropriate to introduce an upper age or mileage limit.

Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

‘a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.’

4. FINANCIAL IMPLICATIONS

The cost of defending the appeal if the application is refused and the applicant appeals to the Magistrates’ Court.

5. OPTIONS

- a. Grant the request, with or without the condition set out in c. below
- b. Refuse the request.
- c. If the Committee resolve to license the vehicle, Committee is asked to consider whether it is necessary to impose a condition requiring the vehicle to have six or four monthly vehicle inspections.

Hayley Carpenter
Licensing Officer
Environment, Health and Wellbeing

Wards affected	All
Contact for any more information	H Carpenter
Background Papers (For Part I reports only)	<i>Relevant legislation and Hackney Carriage and Private Hire Regulations</i> Hackney Carriage and Private Hire Licensing Policy
Key Decision	N
In Forward Plan	N
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	

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

KV08XOC

MERCEDES E 220

Colour	Fuel type	Date registered
Silver	Diesel	27 March 2008

MOT valid until
7 April 2020

MOT history

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

Date tested	Mileage	MOT test number
8 April 2019	220,410 miles	3351 7831 3934
PASS	Test location	Expiry date
		7 April 2020

Monitor and repair if necessary (advisories):

- **Rear prop, rear rubber driver plate cracking**

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
30 April 2018	202,920 miles	7448 3396 0451
PASS	Test location	Expiry date
		28 May 2019

Date tested	Mileage	MOT test number
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2 May 2017
PASS

180,903 miles

1674 5170 1136

Test location

Expiry date
28 May 2018

Date tested
5 May 2016
PASS

Mileage
163,273 miles

MOT test number
1106 9450 2431

Test location

Expiry date
28 May 2017

Date tested
3 May 2016
FAIL

Mileage
163,075 miles

MOT test number
5962 6905 4345

Test location

Reason(s) for failure

- **Nearside Front suspension has excessive play in a lower suspension ball joint (2.5.B.1a)**

Date tested
14 May 2015
PASS

Mileage
139,247 miles

MOT test number
2687 9423 5493

Test location

Expiry date
28 May 2016

Date tested
30 April 2014
PASS

Mileage
127,735 miles

MOT test number
9686 5032 4146

Test location

Expiry date
28 May 2015

Date tested
3 May 2013
PASS

Mileage
109,046 miles

MOT test number
1392 1342 3138

Test location

Expiry date
28 May 2014

Date tested
1 May 2013

Mileage
108,756 miles

MOT test number
3588 9182 3142

FAIL

Test location

Reason(s) for failure

- **Nearside Front brake disc in such a condition that it is seriously weakened (3.5.1i)**
- **Offside Front brake disc in such a condition that it is seriously weakened (3.5.1i)**

Date tested
1 May 2012

PASS

Mileage
81,330 miles

Test location

MOT test number
2483 4242 2490

Expiry date
28 May 2013

Date tested
6 May 2011

PASS

Mileage
69,305 miles

Test location

MOT test number
1759 5622 1192

Expiry date
28 May 2012

Date tested
6 May 2011

FAIL

Mileage
69,305 miles

Test location

MOT test number
5281 6682 1155

Reason(s) for failure

- **Nearside Rear Tyre has a bulge, caused by separation or partial failure of its structure (4.1.D.1b)**
- **Offside Rear Tyre has a bulge, caused by separation or partial failure of its structure (4.1.D.1b)**
- **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)**

Date tested
7 May 2010

PASS

Mileage
44,569 miles

Test location

MOT test number
7021 9782 0172

Expiry date
28 May 2011

Date tested
6 May 2010

FAIL

Mileage
44,563 miles

Test location

MOT test number
3040 2612 0152

Reason(s) for failure

- **Nearside Rear Tyre tread depth below requirements of 1.6mm (4.1.E.1)**

Date tested
29 May 2009

PASS

Mileage
14,518 miles

Test location

MOT test number
9004 1944 9167

Expiry date
28 May 2010

Outstanding vehicle recalls

Check if MERCEDES E 220 KV08XOC has outstanding recalls

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN:

DATE: 25th April 2019
REPORT OF: Licensing Officer
SUBJECT: Hackney Carriage Vehicle Extension

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve whether to grant or refuse this request.

1. PURPOSE

The Committee is asked to consider a request to grant and extend a Hackney Carriage licence for a further 12 months.

2. BACKGROUND

Paragraph 5.2 of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy states that:

'A vehicle being presented for initial licensing is required to be under five years old at first registration.

A vehicle being presented for subsequent licensing is required to be under 10 years old with the exception of purpose built cabs. The Council has discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that the vehicle is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six and four monthly testing'.

All vehicle licences are issued annually.

Section 43 of the Town Police Clauses Act 1847 provides that:

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licensed, and shall be in force for one year only from the day of the date of such licence, or until the next general licensing meeting, in case any general licensing day be appointed by the commissioners' and

Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

'A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary'.

The above Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public.

The Committee has the discretion to license a vehicle if it is of the view that the vehicle is safe, fit for use and is in an acceptable condition.

Request – The vehicle, a Peugeot 308 , registration WF58 LZN, the applicant wishes the Committee to consider, was first registered on 30th September 2008 will be 10 years old and 7 months old, if granted. The current Hackney Carriage licence expired on 29th March 2019. The vehicle will no longer meet the Council's licensing policy as it is now being more than 10 years old.

The vehicle has a current MOT that expires on the 11th March 2020 and had 4 advisories (attached). The vehicle is being fitted with four new wheels and new tyres will be fitted at the same time.

The vehicle is booked in for the vehicle inspection at the Forde Road Depot on 15th April 2019 results will be reported at Committee.

At the time of writing this report the vehicle had not been inspected by a licensing officer.

It has been requested that the vehicle is made available at the hearing for inspection by the Committee should the members wish to do so.

3. CONSULTATION

The decision of the Committee following a complete review of the Hackney Carriage and Private Hire Policy in April 2009 after taking into account the views from the trade was as follows:

'The Committee decided that vehicles being presented for initial licensing must be under five years old.'

With regard to subsequent licensing, the Committee decided that 'a vehicle is required to be under ten years old with the exception of purpose built cabs.' However, the Committee decided that 'the Council had discretion to continue to licence Hackney

TEIGNBRIDGE DISTRICT COUNCIL

Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that it is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Regulatory and Appeals Committee which can impose such conditions as it thinks fit including six monthly testing.' The Committee did not consider it appropriate to introduce an upper age or mileage limit.

Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

'a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.'

4. FINANCIAL IMPLICATIONS

The cost of defending the appeal if the application is refused and the applicant appeals to the Magistrates' Court.

5. OPTIONS

- a. Grant the request, with or without the condition set out in c. below
- b. Refuse the request.
- c. If the Committee resolve to license the vehicle, Committee is asked to consider whether it is necessary to impose a condition requiring the vehicle to have six or four monthly vehicle inspections.

Hayley Carpenter
Licensing Officer
Environment, Health and Wellbeing

Wards affected	All
Contact for any more information	Hayley Carpenter
Background Papers (For Part I reports only)	Relevant legislation and Hackney Carriage and Private Hire Regulations Hackney Carriage and Private Hire Licensing Policy
Key Decision	N
In Forward Plan	N
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	Appendix A - MOT History

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

WF58LZN

PEUGEOT 308

Colour	Fuel type	Date registered
Blue	Diesel	30 September 2008

MOT valid until
11 March 2020

MOT history

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

Date tested	Mileage	MOT test number
12 March 2019	223,638 miles	7858 5865 7872
PASS	Test location	Expiry date
		11 March 2020

Monitor and repair if necessary (advisories):

- **Oil leak, but not excessive (8.4.1 (a) (i))**
- **Nearside Rear Brake disc worn, pitted or scored, but not seriously weakened (1.1.14 (a) (ii))**
- **Offside Rear Brake disc worn, pitted or scored, but not seriously weakened (1.1.14 (a) (ii))**
- **Nearside Rear Tyre worn close to legal limit/worn on edge (5.2.3 (e))**

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
-------------	---------	-----------------

5 March 2018

PASS

199,750 miles

8999 2215 3549

Test location

Expiry date

9 March 2019

Advisory notice item(s)

- **Nearside Front Seat belt stitching slightly frayed (5.2.2b)**

Date tested

5 March 2018

FAIL

Mileage

199,749 miles

Test location

MOT test number

6848 7264 3152

Reason(s) for failure

- **Rear registration plate deteriorated (6.3.1d)**
- **Central Stop lamp has less than 50% of the light sources illuminating (1.2.1b)**
- **Offside Front Suspension arm ball joint dust cover excessively deteriorated so that it no longer prevents the ingress of dirt (2.4.G.2)**
- **Nearside Front Tyre tread depth below requirements of 1.6mm (4.1.E.1)**
- **Nearside Rear Tyre tread depth below requirements of 1.6mm (4.1.E.1)**
- **Steering system excessively rough (2.2.D.1)**

Advisory notice item(s)

- **Play in steering rack inner joint(s) ()**
- **Nearside Front Seat belt stitching slightly frayed (5.2.2b)**
- **Offside Rear Tyre worn close to the legal limit (4.1.E.1)**
- **Nearside Rear Anti-roll bar linkage has slight play in a ball joint (2.4.G.2)**
- **Offside Front Anti-roll bar linkage has slight play in a pin/bush (2.4.G.2)**

Date tested

27 February 2017

PASS

Mileage

172,994 miles

Test location

MOT test number

5504 1200 4784

Expiry date

9 March 2018

Date tested 23 February 2016 PASS	Mileage 146,452 miles	MOT test number 6111 8321 0687
	Test location	Expiry date 9 March 2017
	Advisory notice item(s) <ul style="list-style-type: none"> • Nearside Rear Trailing arm rubber mounting deteriorated but not resulting in excessive movement (2.4.G.2) • Offside Rear Trailing arm rubber mounting deteriorated but not resulting in excessive movement (2.4.G.2) 	
Date tested 4 March 2015 PASS	Mileage 123,618 miles	MOT test number 2088 3386 5054
	Test location	Expiry date 9 March 2016
Date tested 17 February 2014 PASS	Mileage 101,450 miles	MOT test number 9761 8874 4091
	Test location	Expiry date 9 March 2015
Date tested 4 March 2013 PASS	Mileage 80,028 miles	MOT test number 7779 8316 3047
	Test location	Expiry date 9 March 2014
Date tested 5 March 2012 PASS	Mileage 57,495 miles	MOT test number 2878 3536 2022
	Test location	Expiry date 9 March 2013
Date tested 10 March 2011	Mileage 36,899 miles	MOT test number 8977 4996 1002

PASS

Test location

Expiry date
9 March 2012Date tested
10 March 2011Mileage
36,892 milesMOT test number
4387 4996 1023**FAIL**

Test location

Reason(s) for failure

- **Nearside Headlamp aim too high (1.8)**
- **Offside Headlamp aim aimed so that it dazzles other road users (1.8.A.1a)**
- **Nearside Rear Brake pad(s) less than 1.5 mm thick (3.5.1g)**
- **Exhaust emits an excessive level of metered smoke for a turbo charged engine (7.4.B.3b)**

Date tested
10 March 2010Mileage
16,777 milesMOT test number
2343 3966 0006**PASS**

Test location

Expiry date
9 March 2011**Outstanding vehicle recalls**

Check if PEUGEOT 308 WF58LZN has outstanding recalls



Check if a vehicle is taxed and has an MOT

WF58 LZN

✓ Taxed

Tax due:

01 January 2020

▶ Incorrect tax status?

✓ MOT

Expires:

11 March 2020

▶ Incorrect MOT status?

If you've just bought this vehicle the tax (<https://www.gov.uk/vehicletax>) or SORN (<https://www.gov.uk/make-a-sorn>) doesn't come with it. You'll need to tax (<https://www.gov.uk/vehicletax>) it before driving it.

Vehicle details

- Vehicle make: **PEUGEOT**
- Date of first registration: **September 2008**
- Year of manufacture: **2008**
- Cylinder capacity (cc): **1560 cc**
- CO₂Emissions: **120 g/km**
- Fuel type: **DIESEL**
- Euro Status: **Not available**
- Export marker: **No**
- Vehicle status: **Tax not due**
- Vehicle colour: **BLUE**
- Vehicle type approval: **M1**
- Wheelplan: **2-AXLE-RIGID BODY**
- Revenue weight: **Not available**
- Tax rates:

[View tax rates](#)

The vehicle tax rates are only available if you have the latest 11 digit reference number from the V5C registration certificate (logbook)

► Incorrect vehicle details?

[Return to GOV.UK](#)

[Print this page](#)

[Search for another vehicle \(/\)](#)

DVLA services

[Tax your vehicle \(https://www.gov.uk/vehicle-tax\)](https://www.gov.uk/vehicle-tax)

[Register your vehicle as off the road \(SORN\) \(https://www.gov.uk/make-a-sorn\)](https://www.gov.uk/make-a-sorn)

[Tell DVLA you've sold, transferred or bought a vehicle \(https://www.gov.uk/sold-bought-vehicle\)](https://www.gov.uk/sold-bought-vehicle)

[Report an untaxed vehicle \(https://forms.dft.gov.uk/report-an-untaxed-vehicle/\)](https://forms.dft.gov.uk/report-an-untaxed-vehicle/)

[Check you're not buying a stolen vehicle \(https://www.gov.uk/checks-when-buying-a-used-car\)](https://www.gov.uk/checks-when-buying-a-used-car)

DVSA services

[Check the MOT history of a vehicle \(https://www.gov.uk/check-mot-history\)](https://www.gov.uk/check-mot-history)

[Report a vehicle with no MOT \(https://www.gov.uk/report-no-mot\)](https://www.gov.uk/report-no-mot)

[MOTs for vehicles registered in Northern Ireland \(https://www.nidirect.gov.uk/information-and-services/motoring/mot-and-vehicle-testing\)](https://www.nidirect.gov.uk/information-and-services/motoring/mot-and-vehicle-testing)

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN:

DATE: 30 May 2019

REPORT OF: Business Manager – Strategic Place

SUBJECT: The District of Teignbridge (Applewood) Shaldon Road, Combeinteignhead
Tree Preservation Order 2018
E2/19/08

WARD COUNCILLORS Councillor Haines Kerswell with Combe
Councillor Cook

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve that:

The District of Teignbridge (Applewood) Tree Preservation Order 2018 is confirmed unmodified.

1. PURPOSE

The District of Teignbridge (Applewood) Tree Preservation Order 2018 protects a mature yew tree located within an area of land south west of Oakford House, Shaldon Road

The provisional tree preservation order (TPO) was served on 12 December 2018. The provisional protection will cease on 12 June 2019, if it is not confirmed.

2. BACKGROUND

The provisional TPO was made following the receipt of a Conservation Area Notification, (section 211 notice, application number 18/02331CAN) dated 11 November 2018, informing the Council of the intention to fell the tree.

The applicant wished to fell the tree as it is claimed the berries fall from the tree and are poisonous to the owner's dogs.

Local Planning Authorities (LPAs) have a duty under Part VIII Section 197 of the Town and Country Planning Act 1990 (TCPA) to ensure the protection of trees by making TPOs where it is considered necessary. Section 198 of the TCPA states LPAs may make a TPO if it appears to them to be "expedient in

TEIGNBRIDGE DISTRICT COUNCIL

the interests of amenity to make provision for the preservation of trees or woodlands in their area”.

Further guidance may be found in National Planning Policy Guidance “Tree Preservation Orders and trees in conservation areas”

3. REASON

The tree is a highly visible and mature specimen that contributes to the visual amenity of the area; it is typical of those growing within this area of the district. The loss of the tree would have a detrimental impact upon the visual amenity of the area.

The tree has an amenity rating of 15. The suitable benchmark rating for inclusion within a tree preservation order is 15. See Appendix I

Owing to the importance of the trees within the local landscape, The District of Teignbridge (Applewood) Tree Preservation Order 2018 was made and served on 12 December 2018.

One letter of objection has been received

The objection can be summarized as follows:

- The tree is causing great stress as berries and sprigs from the tree fall into the garden resulting in two dogs and the objector’s granddaughter being taken ill.

Officer Comment:

- The Council accepts berries can fall into the objector’s garden during the short period of time they are produced by the tree. It is noted the tree is located close to the north western corner of the garden, adjacent to an outbuilding, owing to the above and current use of the garden adjacent to the tree, only a small proportion of the usable garden area is affected by the falling of berries and sprigs. As access to the affected area can be restricted during the period of berry production, the Council’s Arboricultural Officer considers the fall of berries and sprigs does not justify the removal of the tree.

3. SUSTAINABILITY IMPLICATIONS

Trees in urban areas are a vital component of a sustainable future, serving to absorb CO², create oxygen and filter pollutants that exacerbate conditions such as eczema and asthma, as well as providing shade and screening and a softening of the built environment. Trees provide a sense of place, habitat for fauna and flora, as well as uplifting the spirits of many people.

4. FINANCIAL IMPLICATIONS

None

5. OPTIONS

The Regulatory and Appeals Committee can decide to:

- Confirm the Tree Preservation Order unmodified
- Confirm the Tree Preservation Order in a modified form
- Not to confirm the Tree Preservation Order

Officer Name: Mark Waddams

Officer Designation: Arboricultural Officer

The box below to be completed by the report author.

Wards affected	HACCOMBE WITH COMBE
Contact for any more information	Mark Waddams (01626) 215708
Appendices attached:	I: Amenity Evaluation Sheet

*All relevant documents may be viewed on our website here:

<https://www.teignbridge.gov.uk/planning/forms/protected-tree-checker/>

- Click on the map within the highlighted area of the TPO that you want to see – a 'Results' table will appear
- Scroll down to see the information
- Click on 'Associated Documents' to see the documents.

TEIGNBRIDGE DISTRICT COUNCIL

4	None		
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