

28 October 2019

REGULATORY & APPEALS COMMITTEE

A meeting of the **Regulatory & Appeals Committee** will be held on **Tuesday, 5th November, 2019** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS
Managing Director

Membership:

Councillors J Petherick (Chairman), Hayes (Vice-Chairman), Austen, Evans, Kerswell and Russell

Please Note: Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the Council Chamber you are consenting to being filmed.

AGENDA

Part I

1. **Apologies for absence**
2. **Minutes** (Pages 3 - 8)
To approve and sign the minutes of the meeting held on 23 and 30 September, 2019
3. **Declarations of Interest.**
4. **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

It is considered that the Committee would be unlikely to exclude the press and

public during consideration of the items on this agenda, but if it should wish to do so, the following resolution should be passed:-

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting of the particular item(s) on the grounds that it involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

5. **Matters of urgency/matters of report especially brought forward with the permission of the Chairman.**
6. **Hackney Carriage Vehicle Extension WF08 LJE** (Pages 9 - 18)
7. **Private Hire Vehicle Extension S16 EXC** (Pages 19 - 28)
8. **The District of Teignbridge (Shaldon Road), Newton Abbot Tree Preservation Order 2019** (Pages 29 - 34)

Part II: Items suggested for discussion with the press and public excluded

If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk

REGULATORY & APPEALS COMMITTEE**23 SEPTEMBER 2019**Present:

Councillors J Petherick (Chairman), Hayes (Vice-Chairman), Austen, Evans, Kerswell and Haines

Apologies:

Councillors Russell

Officers in Attendance:

Chris Braines, Waste & Cleansing Manager
Lorraine Montgomery, Head of Operations
Rachel Oxenham, HR & OD Business Partner
Tim Slater, HR and Organisational Development Manager
Paul Woodhead, Solicitor & Deputy Monitoring Officer
Trish Corns, Democratic Services Officer

50. MINUTES

The minutes of the meeting held on 10 September, 2019 were approved as a correct record and signed by the Chairman.

51. DECLARATIONS OF INTEREST.

None.

52. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF 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 item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 and 4 of Part 1 of Schedule 12A of the Act.

53. APPEAL AGAINST DISMISSAL

The Chairman referred the Committee to the written representations and evidence circulated with the agenda.

The HR and OD Business Partner confirmed the procedure to be followed for the Hearing and also introduced the interested parties, which included the appellant and his

Regulatory & Appeals Committee (23.9.2019)

representative. The Chairman introduced the Members of the Hearing Panel.

Having carefully considered all the written information presented, together with the oral submissions and evidence provided at the hearing by the Council's representatives, the Appellant, and on the Appellant's behalf, the Committee,

Resolved

That the appeal is dismissed.

Reason for Decision

The Committee finds, based on the evidence presented to it, that;

- the Council has complied with its policies and procedures, and
- the decision to terminate the Appellant's employment was both reasonable and appropriate in the circumstances.

CLLR J PETHERICK
Chairman

Chairman

REGULATORY & APPEALS COMMITTEE

30 SEPTEMBER 2019

Present:

Councillors Russell and Haines

Apologies:

Councillors J Petherick, Hayes, Austen, Evans and Kerswell

Officers in Attendance:

Marie Downey, Solicitor

Trish Corns, Democratic Services Officer

Debbie Rosenveldt, Licensing Assistant

54. ELECTION OF CHAIRMAN

Resolved

That Councillor Russell be elected Chairman for the meeting.

55. DECLARATIONS OF INTEREST.

None

**56. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 -
EXCLUSION OF 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 item at minutes 58 and 59 below 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.

**57. APPLICATION FOR A SMALL PLATE FOR A PRIVATE HIRE VEHICLE
KLZ 166**

Consideration was given to a request to display a small plate for a Specialist Vehicle Private Hire vehicle Chrysler 300c, registered September 2012

The Committee adjourned to inspect the vehicle.

Section 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

'Subject to the provisions of this Part of the Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a

licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such a manner as the district council shall prescribe by condition attached to the grant of licence’.

The Council’s requirement for the display of licence plates on the rear of licensed vehicles is set out in the Hackney Carriage and Private Hire Licensing Policy, paragraph 9.4 on page 27, as set out in the report circulated with the agenda.

The applicant explained the nature of his work, and was able to demonstrate the need to display a small licence plate on the outside of his vehicle, given the specialist service that his business entails.

The Vehicle passed an MOT June 2019, and has a valid licence until 9 September 2020.

It was agreed that the Licensing Officer would confirm the small plate’s location on the vehicle with the applicant.

Resolved

The application to display a small plate on vehicle Chrysler 300c, registration KLZ 166 be authorised.

Reasons for Decision

Having heard the applicant’s description of his business and the work that it entails, and the available options advised by the Licensing Officer, the Committee considered the resolution above would be best suited to the applicant whilst meeting the Council’s licensing responsibilities.

58. HACKNEY CARRIAGE DRIVER APPLICATION FOR LICENCE

Consideration was given to an appeal against the refusal of an application for a Hackney Carriage Drivers’ Licence.

At the meeting, the Legal Adviser set out the procedure for the Hearing which included the opportunity for the appellant to address the Committee to establish if, the appellant was deemed a ‘fit and proper person’ to hold a Hackney Carriage Drivers’ Licence.

The Licensing Officer introduced the report circulated with the agenda, which detailed why the appellant was not granted a licence. Additional information was circulated at the meeting, and the appellant addressed the meeting.

The Committee carefully considered all written submissions, and oral evidence provided at the Hearing and considered the case in line with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 which provides that ‘a *District Council shall not grant a licence to drive a Private Hire vehicle (a) unless*

it is satisfied that the applicant is a fit and proper person to hold a driver's licence', and also in line with the Council's Hackney Carriage and Private Hire Policy.

Resolved

The appeal be upheld and a 12 month licence be approved, subject to a complete satisfactory medical report is provided.

Reason for the Decision

The case was considered on its own merits and whilst the decision means that the Committee is deviating away from Council Policy, it was satisfied that on the evidence provided at the Hearing, that the appellant sufficiently demonstrated that he is a fit and proper person. The Committee considered there were no grounds to dismiss the appeal, and the application was approved.

59. COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE APPLICATION

Consideration was given to an appeal against the refusal of an application for a combined Hackney Carriage and Private Hire Drivers' Licence.

At the meeting, the Legal Adviser set out the procedure for the Hearing which included the opportunity for the appellant to address the Committee to establish if, the appellant was deemed a 'fit and proper person' to hold a combined Drivers' Licence.

The Licensing Officer introduced the report circulated with the agenda, which detailed why the appellant was not granted a licence. Additional information was circulated at the meeting, and the appellant addressed the meeting.

The Committee carefully considered all written submissions, and oral evidence provided at the Hearing and considered the case in line with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 which provides that '*a District Council shall not grant a licence to drive a Private Hire vehicle (a) unless it is satisfied that the applicant is a fit and proper person to hold a driver's licence', and also in line with the Council's Hackney Carriage and Private Hire Policy.*

Resolved

The appeal be upheld and a licence be approved.

Reason for the Decision

The case was considered on its own merits and whilst the decision means that the Committee is deviating away from Council Policy, it was satisfied that on the evidence provided at the Hearing, that the appellant sufficiently demonstrated that he is a fit and proper person. The Committee considers there are no grounds to dismiss the appeal, and the application is approved.

CLLR S RUSSELL
Chairman

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr John Petherick

DATE: 5 November 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 vehicle licence for a further 12 months (Appendix A).

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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'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 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 Seat Alhambra, registration WF08 LJE that the applicant wishes the Committee to consider was first registered on 3rd April 2008 and will be 11 years and 7 months old, if granted. The current Hackney Carriage licence expires on 29 November 2019.

The vehicle has a current MOT with no advisories and expires on 22 November 2019

The vehicle has been inspected by a licensing officer and is in relatively good condition inside. The driver's seat is looking a bit worn and the front passenger seatbelt clip needs replacing but otherwise the vehicle is clean and tidy. The outside is in good condition although at the time of inspection, the nearside wing mirror was cracked and the casing badly scratched. This was due to be replaced later that day.

At the time of writing this report a date for the inspection at the depot has not been booked. Details will be presented to Committee.

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."

TEIGNBRIDGE DISTRICT COUNCIL

With regard to subsequent licensing, the Committee decided that ‘a vehicle should be under ten years old with the exception of purpose built cabs.’ However, the Committee decided that ‘the Council could exercise 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 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.

Debbie Rosenveldt
Licensing Officer
Environment, Health and Wellbeing

Wards affected	All
Contact for any more information	D Rosenveldt
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:	A: Request for extension B: MOT history

TEIGNBRIDGE DISTRICT COUNCIL



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

WF08LJE

SEAT ALHAMBRA

Colour	Fuel type	Date registered
Red	Diesel	3 April 2008

MOT valid until
22 November 2019

MOT history

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

Date tested	Mileage	MOT test number
14 November 2018	238,246 miles	6802 8588 0618
PASS	Test location	Expiry date
		22 November 2019

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
31 October 2017	215,532 miles	7402 6336 3413
PASS	Test location	Expiry date
		22 November 2018

Advisory notice item(s)

- **Front brake disc worn, pitted or scored, but not seriously weakened (3.5.1i)**

- **Offside Front Brake hose slightly deteriorated (3.6.B.4d)**
- **Nearside Front Brake hose slightly deteriorated (3.6.B.4d)**
- **Offside Front Macpherson strut has slight movement at the upper attachment (2.5.A.1c)**
- **Windscreen has damage to an area less than a 40mm circle outside zone 'A' (8.3.1d)**

Date tested
31 October 2017

FAIL

Mileage
215,532 miles

MOT test number
7319 5468 2061

Test location

Reason(s) for failure

- **Offside Front brake caliper securing device missing (3.5.1j)**

Advisory notice item(s)

- **Front brake disc worn, pitted or scored, but not seriously weakened (3.5.1i)**
- **Offside Front Brake hose slightly deteriorated (3.6.B.4d)**
- **Nearside Front Brake hose slightly deteriorated (3.6.B.4d)**
- **Offside Front Macpherson strut has slight movement at the upper attachment (2.5.A.1c)**
- **Windscreen has damage to an area less than a 40mm circle outside zone 'A' (8.3.1d)**

Date tested
23 November 2016

PASS

Mileage
185,470 miles

MOT test number
5202 7514 0800

Test location

Expiry date
22 November 2017

Advisory notice item(s)

- **Nearside Front Tyre worn close to the legal limit (4.1.E.1)**
- **Offside Front Tyre worn close to the legal limit (4.1.E.1)**

Date tested

Mileage

MOT test number

14

18 November 2016

184,771 miles

3486 8560 8378

FAIL

Test location

Reason(s) for failure

- **Nearside Front Macpherson strut has excessive movement at the upper attachment (2.5.A.1c)**
- **Offside Front Macpherson strut has excessive movement at the upper attachment (2.5.A.1c)**
- **Nearside Front Suspension arm has excessive play in a pin/bush rear bush (2.4.G.2)**
- **Offside Front Suspension arm has excessive play in a pin/bush rear bush (2.4.G.2)**

Advisory notice item(s)

- **Nearside Front Tyre worn close to the legal limit (4.1.E.1)**
- **Offside Front Tyre worn close to the legal limit (4.1.E.1)**
- **Oil leak ()**
- **Offside Front Seat belt stitching slightly frayed driver (5.2.2b)**

Date tested

18 November 2015

PASS

Mileage

171,566 miles

Test location

MOT test number

1165 8093 5802

Expiry date

18 November 2016

Date tested

17 November 2015

FAIL

Mileage

171,566 miles

Test location

MOT test number

4690 1030 9332

Reason(s) for failure

- **Offside Front Front position lamp(s) not working (1.1.A.3b)**
- **Anti-lock braking system warning lamp indicates an ABS fault (3.4.1c)**
- **Nearside Front Shock absorber has an excessively worn bush (2.7.4)**
- **Offside Front Shock absorber has an excessively worn bush (2.7.4)**

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Advisory notice item(s)

- **Nearside Rear Tyre worn close to the legal limit (4.1.E.1)**
- **Offside Rear Tyre worn close to the legal limit (4.1.E.1)**

Date tested
19 November 2014

PASS

Mileage
135,399 miles

Test location

MOT test number
1890 7322 4325

Expiry date
18 November 2015

Advisory notice item(s)

- **Nearside Front Drag link end ball joint has slight play (2.2.B.1f)**
- **Nearside Front Brake hose slightly deteriorated (3.6.B.4d)**
- **Offside Front Brake hose slightly deteriorated (3.6.B.4d)**

Date tested
18 November 2014

FAIL

Mileage
135,399 miles

Test location

MOT test number
9095 3292 4328

Reason(s) for failure

- **Nearside Front Passenger's seat insecure (6.2.A.1)**
- **Nearside Front Macpherson strut has excessive movement at the upper attachment (2.5.A.1c)**
- **Nearside Front Anti-roll bar ball joint dust cover excessively damaged so that it no longer prevents the ingress of dirt (2.4.G.2)**
- **Offside Front Track rod end ball joint has excessive play (2.2.B.1f)**
- **Nearside Rear Lower Anti-roll bar has excessive play in a pin/bush (2.4.G.2)**
- **Offside Rear Lower Anti-roll bar has excessive play in a pin/bush (2.4.G.2)**
- **Offside Rear Upper Anti-roll bar has excessive play in a pin/bush (2.4.G.2)**

Advisory notice item(s)

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- **Offside Front Macpherson strut has slight movement at the upper attachment (2.5.A.1c)**
- **Nearside Front Drag link end ball joint has slight play (2.2.B.1f)**
- **Nearside Front Brake hose slightly deteriorated (3.6.B.4d)**
- **Offside Front Brake hose slightly deteriorated (3.6.B.4d)**
- **rear seats folded down at time of test**

Date tested
18 November 2013

PASS

Mileage
97,578 miles

Test location

MOT test number
3750 1212 3396

Expiry date
18 November 2014

Date tested
19 November 2012

PASS

Mileage
63,664 miles

Test location

MOT test number
6256 7442 2352

Expiry date
18 November 2013

Date tested
19 November 2012

FAIL

Mileage
63,664 miles

Test location

MOT test number
8653 7402 2388

Reason(s) for failure

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

Advisory notice item(s)

- **n/s/f tyre worn.**

Date tested
8 February 2012

PASS

Mileage
53,524 miles

Test location

MOT test number
5283 5933 2019

Expiry date
16 February 2013

Advisory notice item(s)

- **n/s mirror missing**

Date tested
8 February 2012

FAIL

Mileage
53,524 miles

Test location

MOT test number
5265 0933 2074

Reason(s) for failure

- **Offside Front position lamp(s) not working (1.1.A.3b)**

Advisory notice item(s)

- **n/s mirror missing**

Date tested
17 February 2011

PASS

Mileage
38,993 miles

Test location

MOT test number
9673 7804 1072

Expiry date
16 February 2012

Outstanding vehicle recalls

Check if SEAT ALHAMBRA WF08LJE has outstanding recalls

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr John Petherick

DATE: 5 November 2019
REPORT OF: Licensing Officer
SUBJECT: Private Hire 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 Private Hire vehicle licence for a further 12 months (Appendix A).

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.

TEIGNBRIDGE DISTRICT COUNCIL

Section 48(4)(c) of the Local Government (Miscellaneous Provisions) Act 1976 states that '*(4) Every licence granted under this section shall— (c) remain in force for such period not being longer than one year as the district council may specify in the licence*'.

Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 states that '*(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates*'

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 LDV Maxus Minibus, registration S16 EXC which the applicant wishes the Committee to consider was first registered on 1 December 2008 and will be 10 years and 11 months old, if granted. The current Private Hire licence expired on 31 October 2019.

The vehicle has a current MOT with no advisories and expires on 16 October 2020.

At the time of writing this report the vehicle has 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 should be under ten years old with the exception of purpose built cabs. However the Committee decided that the Council could exercise 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 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."

TEIGNBRIDGE DISTRICT COUNCIL

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.

Debbie Rosenveldt
Licensing Officer
Environment, Health and Wellbeing

Wards affected	All
Contact for any more information	D Rosenveldt
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:	A: Request for extension B: MOT history

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APPENDIX B



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

S16EXC LDV MAXUS

Colour	Fuel type	Date registered
White	Diesel	17 December 2008

MOT valid until
16 October 2020

MOT history

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

Date tested	Mileage	MOT test number
27 September 2019	130,338 miles	2444 5060 1521
PASS	Test location	Expiry date
		16 October 2020

Date tested	Mileage	MOT test number
16 October 2018	117,745 miles	8184 6318 7529
PASS	Test location	Expiry date
		16 October 2019

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
3 October 2017	114,512 miles	8442 9114 2973
PASS	Test location	Expiry date

16 October 2018Date tested
17 October 2016**PASS**Mileage
97,774 miles

Test location

MOT test number
7276 3275 4175Expiry date
16 October 2017

Advisory notice item(s)

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

Date tested
12 October 2016**FAIL**Mileage
97,341 miles

Test location

MOT test number
5480 4885 2837

Reason(s) for failure

- **Rear fog lamp not working (1.3.2b)**
- **rear brake application uneven (3.7.B.2)**

Advisory notice item(s)

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

Date tested
13 October 2015**PASS**Mileage
82,120 miles

Test location

MOT test number
3797 4263 0180Expiry date
16 October 2016

Advisory notice item(s)

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

Date tested
17 October 2014**PASS**Mileage
65,513 miles

Test location

MOT test number
3196 1039 4482Expiry date
16 October 2015

Date tested

Mileage

MOT test number

9 October 2013

48,752 miles

3265 3218 3498

PASS

Test location

Expiry date

8 October 2014

Date tested

Mileage

MOT test number

9 October 2013

48,752 miles

3061 6278 3440

FAIL

Test location

Reason(s) for failure

- **Supplementary Restraint System warning lamp indicates a fault (5.4.2)**

Date tested

Mileage

MOT test number

6 February 2013

45,625 miles

3158 5763 3098

PASS

Test location

Expiry date

5 February 2014

Advisory notice item(s)

- **Nearside Front Brake pad(s) wearing thin (3.5.1g)**
- **Offside Front Brake pad(s) wearing thin (3.5.1g)**

Date tested

Mileage

MOT test number

1 February 2013

45,625 miles

8473 8283 3000

FAIL

Test location

Reason(s) for failure

- **Offside Rear Seat belt locking mechanism does not secure or release (5.2.5a)**
- **Offside Front Headlamp aim beam image obviously incorrect (1.8.A.1b)**

Advisory notice item(s)

- **Nearside Front Brake pad(s) wearing thin (3.5.1g)**
- **Offside Front Brake pad(s) wearing thin (3.5.1g)**

Date tested

Mileage

MOT test number

5 January 2012

PASS

38,013 miles

Test location

1161 2560 2477

Expiry date

4 January 2013

Advisory notice item(s)

- **2nd row offside aisle seatbelt buckle trim missing**

Date tested

5 January 2012

FAIL

Mileage

38,013 miles

Test location

MOT test number

1482 4580 2491

Reason(s) for failure

- **Offside Headlamp not working on dipped beam (1.7.5a)**

Advisory notice item(s)

- **2nd row offside aisle seatbelt buckle trim missing**

Date tested

5 January 2011

PASS

Mileage

24,529 miles

Test location

MOT test number

3980 9550 1088

Expiry date

4 January 2012

Advisory notice item(s)

- **Nearside Seat belt damaged but not affecting the operation of the belt (5.2.2a)**

Date tested

5 January 2010

PASS

Mileage

13,964 miles

Test location

MOT test number

5609 9560 0071

Expiry date

4 January 2011

Date tested

4 January 2010

FAIL

Mileage

13,964 miles

Test location

MOT test number

4717 7410 0098

Reason(s) for failure

- **Nearside Headlamp not working on dipped beam (1.2.4a)**

Outstanding vehicle recalls

Check if LDV MAXUS S16EXC has outstanding recalls



TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr John Petherick

DATE: 5 November 2019

REPORT OF: Business Manager – Strategic Place

SUBJECT: The District of Teignbridge (Shaldon Road)
Tree Preservation Order 2019
E2/01/150

WARD COUNCILLORS Cllr Gordon Hook Buckland and Milber
Cllr Chris Jenks
Cllr Colin Parker

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve that:

The District of Teignbridge (Shaldon Road) Tree Preservation Order 2019 is confirmed modified.

1. PURPOSE

The District of Teignbridge (Shaldon Road) Tree Preservation Order 2019 protects a linear group of trees located within and adjacent to land to the north of Shaldon Road, Newton Abbot.

The provisional tree preservation order (TPO) was served on 12 July 2019. The provisional protection will cease on 12 January 2020, if it is not confirmed.

2. BACKGROUND

The provisional TPO was made following the loss of trees within the area.

Given the significant contribution the trees make to the visual amenity of the area, by reason of their size and visibility within the street scene the making of a tree preservation order to protect the trees is considered appropriate.

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 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 trees are highly visible and contribute to the visual amenity of the area. The loss of the trees would have a detrimental impact upon the visual amenity of the area.

The trees have an amenity rating of 17. 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 (Shaldon Road) Tree Preservation Order 2019 was made and served on 12 July 2019.

Four letters of objection and five comments have been received.

The objections can be summarised as follows:

- Before any protection order is agreed and put in place on the trees, residents should be sent a full and un-redacted copy of the report on the health and condition of all the trees that are proposed to be covered by the protection order.
- An extensive program of work should be undertaken prior to the TPO being agreed.
- A number of trees are in a poor condition.
- A number of trees require pruning.
- The trees are dangerous.
- Detritus from the trees make paths slippery.
- Trees restrict light to properties and gardens.
- The TPO would be detrimental to the property value of one or more properties.
- Root systems are lifting the tarmac on a path

* See below to view full documents

Officer Comment:

- The making of the tree preservation order does not affect the duty of tree owners to undertake inspections, maintenance and management of the trees.
- The Council would look upon applications to undertake the required maintenance of trees sympathetically, including pruning trees to increase light level, and to abate damage to foot paths

TEIGNBRIDGE DISTRICT COUNCIL

- It is considered that trees are natural organisms, birds fouling together with sap, needles, leaves and debris falling from trees, is regarded as a natural occurrence, the removal/clearing of which is considered a maintenance task and should not be regarded as a reason to undertake significant pruning or the felling of trees.
- No information has been provided that shows how the making of tree preservation order would have a detrimental effect on property prices

4. 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.

5. FINANCIAL IMPLICATIONS

None

6. 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	NEWTON ABBOT
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.

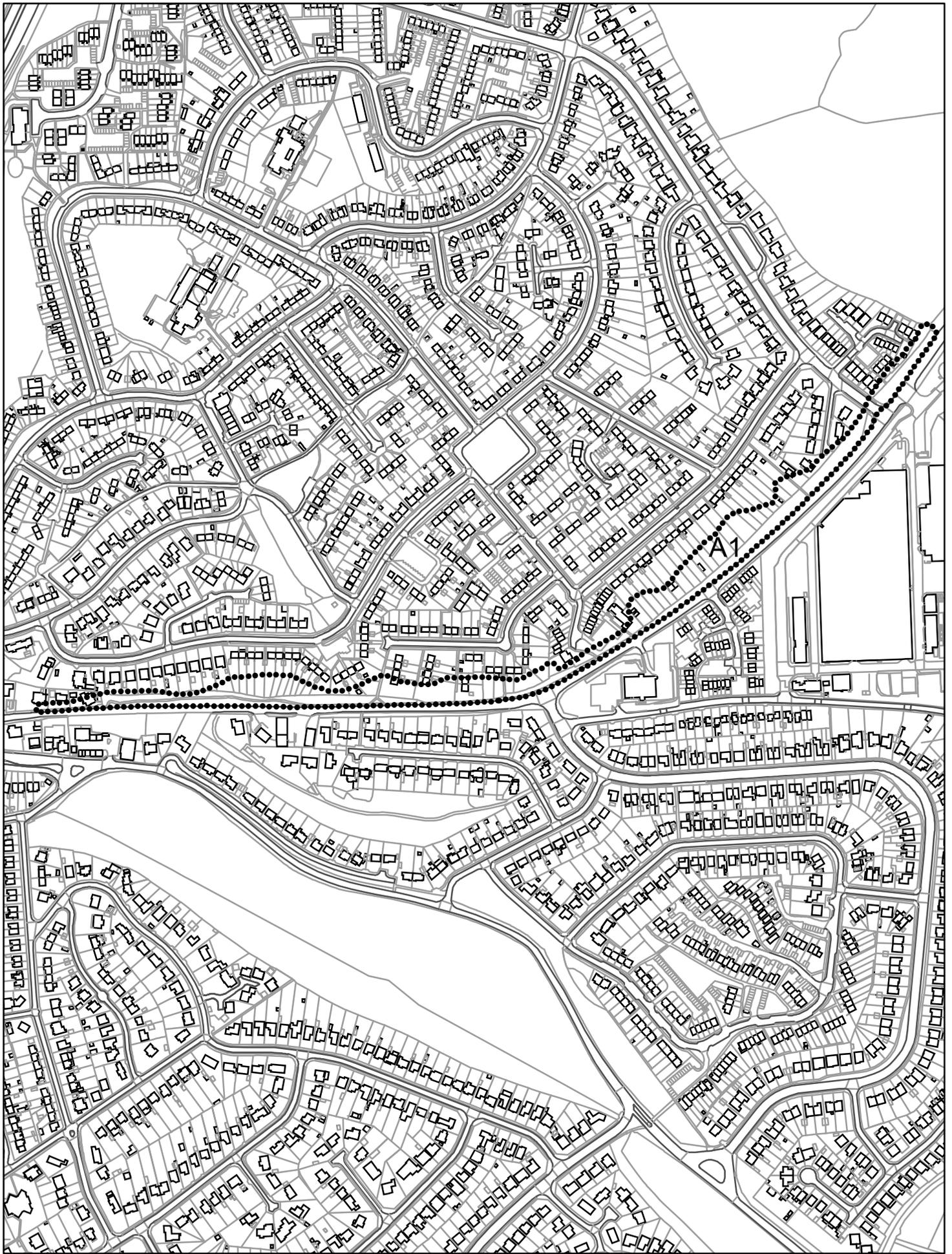
TEIGNBRIDGE DISTRICT COUNCIL

APPENDIX I

AMENITY EVALUATION RATING FOR TPOs

TPO No:	E2/01/150	Site Visit Date:	23 September 2019
TPO Name:	The District of Teignbridge (Shaldon Road) Tree Preservation Order 2019	Effective Date:	12 July 2019
Address	Land At Shaldon Road, Newton Abbot, Devon, ,	TPO Designation	Area
Rating	17	Surveyed by:	Mark Waddams
Reason for TPO	The trees contribute to the visual amenity of the area.		

<p>1. <u>Size – height x spread</u></p> <p>1 very small 2-5m² 2 small 5-10m² 3 small 10-25² 4 medium 25-50m² 5 medium 50-100m² 6 large 100-200m² 7 very large 200m² +</p>	Score 7	<p>6. <u>Suitability to area</u></p> <p>1 Just suitable 2 Fairly suitable 3 Very suitable 4 Particularly suitable</p>	Score 2
<p>2. <u>Life expectancy</u></p> <p>1 5-15 yrs 2 15-40 yrs 3 40-100yrs 4 100yrs +</p>	3	<p>7. <u>Future amenity value</u></p> <p>0 Potential already recognised 1 Some potential 2 Medium potential 3 High potential</p>	0
<p>3. <u>Form</u></p> <p>-1 Trees which are of poor form 0 Trees of not very good form 1 Trees of average form 2 Trees of good form 3 Trees of especially good form</p>	1	<p>8. <u>Tree influence</u></p> <p>-1 Significant 0 Slight 1 Insignificant</p>	-1
<p>4. <u>Visibility</u></p> <p>1 Trees only seen with difficulty or by a very small number of people 2 Back garden trees, or trees slightly blocked by other features 3 Prominent trees in well frequented places</p>	3	<p>9. <u>Added factors</u></p> <p><i>If more than one factor relevant maximum score can still only be 2</i> 1 Screening unpleasant view 1 Relevant to the Local Plan 1 Historical association 1 Considerably good for wildlife 1 Veteran tree status</p>	1
<p>5. <u>Other trees in the area</u></p> <p>0.5 Wooded surrounding 1 Many 2 Some 3 Few 4 None</p>	1	<p>10. <u>Notes and total score</u></p> <p>Not/Reasonable for inclusion within the TPO</p>	17



Scale:
1:5,000

District of Teignbridge (Shaldon Road) Tree Preservation Order 2019



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