

23 December 2019

REGULATORY & APPEALS COMMITTEE

A meeting of the **Regulatory & Appeals Committee** will be held on **Wednesday, 8th January, 2020** 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 - 6)
To approve and sign the minutes of the meeting held on 3 December, 2019
3. **Matters of urgency/matters of report especially brought forward with the permission of the Chairman.**
4. **Declarations of Interest.**

5. **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.

6. **Request for a small plate for a private hire vehicle LN15 LVT** (Pages 7 - 8)

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

NIL.

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REGULATORY & APPEALS COMMITTEE**3 DECEMBER 2019**Present:

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

Members in Attendance:

Councillors Goodman-Bradbury

Apologies:

Councillors Evans and Russell

Officers in Attendance:

Marie Downey, Solicitor

Mark Waddams, Senior Arboricultural Officer

Debbie Rosenveldt, Licensing Assistant

Trish Corns, Democratic Services Officer

Beth Tipton, Administrative Assistant

65. MINUTES

The minutes of the meeting held on the 5 November, 2019 were approved as a correct record and signed by the Chairman. It was noted that Solicitor Marie Downey had been present.

66. DECLARATIONS OF INTEREST.

None.

67. HACKNEY CARRIAGE VEHICLE EXTENSION WF08 ZSR

Consideration was given to an application for a Hackney Carriage Vehicle Licence renewal and extension for a Skoda Octavia vehicle registration WF08 ZSR The vehicle is over 11 years old being registered in May 2008

The Committee adjourned to inspect the vehicle. On reconvening the Chairman welcomed all those present and introduced the Committee, and the Solicitor set out the procedure for the Hearing.

The Licensing Officer introduced the report and it was noted that the vehicle has a current MOT until 14 August 2020. The taxi inspection test was booked.

The Applicant was not in attendance.

All vehicle licences are issued annually and Section 43 of the Town Police Clauses Act 1847 provides that a private hire / hackney carriage vehicle licence may only be in force for a maximum period of one year.

The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under ten years old, with the exception of purpose built cabs. The Council has the discretion to continue to licence vehicles which are older than ten years provided that the Council is satisfied that such a vehicle is in a good condition and good state of repair, and provided that it passes the appropriate testing standard.

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.

Resolved

The application for a Hackney Carriage Vehicle Licence renewal and extension for vehicle registration WF08 ZSR be refused.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representation by the Licensing Officer, the Regulatory & Appeals Committee was not satisfied with the general standard of the vehicle, the state of repair, and the condition of the vehicle. Therefore it was considered the vehicle was not fit for use for the general public and paying customers.

68. THE DISTRICT OF TEIGNBRIDGE (19 CHOCKLAND ROAD), KINGSTEIGNTON TREE PRESERVATION ORDER 2019

Consideration was given to the confirmation of the provisional Tree Preservation Order (TPO) which was served on the 16 September, 2019 and would cease on 16 March, 2020. The District of Teignbridge Tree Preservation Order (19 Chockland Road), Kingsteignton, Newton Abbot 2019 protects a mature copper beech tree located within the garden of 19 Chockland Road, Kingsteignton.

The Committee considered all written representations received in relation to the trees and their amenity value. Members also considered an oral submission from the objector, who was in attendance at the meeting, and photographic evidence of the trees presented by the Council's Arboricultural Officer.

Objections were summarised in the report circulated with the agenda, and particularly related to loss of amenity for the tree owner, health and safety issues, such as, the tree being potentially dangerous and dropping substantial dead wood, it requires pruning, has outgrown its location, and detritus from the trees, including sharp nut shells, being dangerous for grandchildren and pets.

The Committee heard from the Council's Arboricultural Officer who showed photographs of the tree taken from various public vantage points. He advised why the Tree Preservation Order should be confirmed, which were detailed in

the agenda report. In particular, the tree has high amenity value, was in situ and of a substantial size when the occupier purchased the property. The garden, along with adjacent gardens, seem largely unaffected by the shade caused by the tree, and detritus falling from the trees is regarded as a natural occurrence and shouldn't be regarded as a reason to undertake the felling of trees. No information has been provided by a suitable qualified arboriculturalist that identifies any significant faults with the tree and there has been no evidence submitted that the value of the property may be reduced.

The Committee also heard from the owner and objector, who agreed the tree has amenity value and that the main structure of the tree was sound. However, the large amount of detritus, including nuts and cases restricted the use and enjoyment of the garden, because of danger to pets and grandchildren. In addition, 'summer branch drop' and branches falling in high winds resulted in a health and safety issue, particularly for his grandchildren restricting the garden's use and enjoyment.

In response the Council's Arboricultural Officer reiterated that no significant faults have been identified with the tree and that the Council would be sympathetic to any maintenance applications for the tree. The officer also reiterated that whilst the Council is sympathetic to the owner having to undertake more grooming for his dogs, detritus falling from the trees is regarded as a natural occurrence and shouldn't be regarded as a reason to undertake the felling of trees.

The Committee considered the tree provided a high amenity value and was an asset to the local area and landscape. The protection of the tree in question complied fully with Government guidance and it was therefore expedient in the interests of amenity to make provision for its preservation.

Resolved

To confirm the Tree Preservation Order unmodified.

Reasons for Decision

The Committee considered the tree a highly visible and mature specimen that contributes to the visual amenity of the area. The loss of the tree would have a detrimental impact upon the visual amenity of the area. The tree has an amenity rating of 16. The suitable benchmark rating for inclusion within a tree preservation order is 15.

69. THE DISTRICT OF TEIGNBRIDGE (MARSH ROW), EXMINSTER TREE PRESERVATION ORDER 2019

Consideration was given to the confirmation of the provisional Tree Preservation Order (TPO) which was served on the 17 September, 2019 and would cease on 17 March, 2020. The District of Teignbridge Tree Preservation Order (Marsh Row) 2019 protects an area of trees located within and adjacent to a field to the

southeast of Marsh Row cottages, and as shown on the plan that forms part of the tree preservation order.

The Committee noted that the objection to the tree preservation order had been withdrawn.

Resolved

To confirm the Tree Preservation Order unmodified.

Reasons for Decision

The Committee considered 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 collectively have an amenity rating of 20. The suitable benchmark rating for inclusion within a tree preservation order is 15.

Cllr J PETHERICK
Chairman

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr John Petherick

DATE: 8 January 2020
REPORT OF: Licensing Officer
SUBJECT: Request for a small plate for a private hire vehicle
LN15 LVT
PART I

RECOMMENDATION

That the Regulatory & Appeals Committee is asked to consider whether to refuse or grant the request and if granted to impose a condition

1. PURPOSE

To consider approval for a small plate for a Black Mercedes Benz, registration number LN15 LVT, licensed as a Private Hire vehicle.

2. BACKGROUND

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

'Subject to the provisions of this Part of this 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 manner as the district council shall prescribe by condition attached to the grant of the 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, at paragraph 9.4 on page 27.

'9.4 Licence Plates

The licensing plate identifying the vehicle as Hackney Carriage or Private Hire shall be securely fixed to the outside rear of the vehicle in a position as approved by the Council whilst the vehicle is being used for hire purposes and shall be kept fully visible and legible at all times.

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A vehicle identification badge shall be fixed to the front windscreen above or below the tax disc, in a position that meets current MOT regulations. The badge will display the plate number, vehicle model, registration and number of passengers on the front face with the Council's details and plate number on the rear.'

The applicant has requested the replacement of the traditional size plate with the smaller plate. The reason for the request is because the vehicle is to be used for executive travel, wedding and funerals only. The company operator has one other vehicle, a white Mercedes, with a small plate in his fleet of vehicles. It has been requested that the vehicle is available for viewing at the hearing, should the committee wish to do so.

3. MAIN IMPLICATIONS

The main implication is that the plate is a visual aid for the members of the public to show that it is a licensed vehicle. The standard size plate is 240mm x 180mm and the smaller plate requested is 230mm x 75mm, samples of which will be shown at committee.

4. FINANCIAL IMPLICATIONS

None

5. OPTIONS

1. Grant the request for a small plate to be used for private executive travel, weddings and funerals.
2. Refuse the request

Debbie Rosenveldt
Licensing Officer
Environment, Health and Wellbeing

Wards affected	All
Contact for any more information	Debbie 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 – Applicant request