

Forde House  
Newton Abbot

Contact Officer Andrew McKenzie  
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22 September 2017

## REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Monday, 2nd October, 2017** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

NEIL AGGETT  
Democratic Services Manager

Distribution:

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

Councillor Charlie Dennis (Chairman)  
Councillor Ted Hockin (Vice-Chairman)  
Councillor Beryl Austen  
Councillor Sheila Cook  
Councillor Rosalind Prowse

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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- If you would like this information in another format, please telephone 01626 361101 or e-mail [info@teignbridge.gov.uk](mailto:info@teignbridge.gov.uk)
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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 of the previous meeting (Pages 1 - 2)
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. **Hackney Carriage Vehicle Extension** (Pages 3 - 8)  
To consider a request for a Hackney Carriage Vehicle Licence Extension.

### **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.**

Nil.

## **REGULATORY & APPEALS COMMITTEE**

### **MONDAY, 18 SEPTEMBER 2017**

Present:

Councillors Dennis (Chairman) and Cook.

Apologies:

Councillors Hockin, Austen and Prowse.

Officers in Attendance:

Marie Downey, Solicitor

Hayley Carpenter, Licensing Officer

Andrew McKenzie, Democratic Services Officer

#### **126. MINUTES**

The minutes of the Regulatory & Appeals Committee held on 26 July 2017 were confirmed as a correct and accurate record of meeting.

#### **127. DECLARATIONS OF INTEREST.**

There were no declarations of interest.

#### **128. HACKNEY CARRIAGE VEHICLE EXTENSIONS**

The Committee received a request to renew and extend two Hackney Carriage vehicle licences for a further 12 months.

Prior to the consideration of the item, Members adjourned to inspect the vehicles.

The Licensing Officer advised that vehicle request A, Volkswagen Sharan EY55 OUD would be 12 years old on renewal if granted. It had passed an MOT and Taxi Test with no advisories and she considered the vehicle to be in excellent condition both inside and out.

Request B had been withdrawn by the applicant.

Request C, Volkswagen Sharan LN55 7NM would be 12 years old on renewal if granted. It had passed an MOT test with no advisories and also a Taxi Test which included two advisories. She considered the vehicle to be in good condition both inside and out. The applicant advised that the advisory on the tyre had been remedied, the stone chip in the window screen would be repaired when it became necessary.

Resolved

That vehicle licences be granted subject to 6 monthly vehicle inspections.

CHARLIE DENNIS  
Chairman

TEIGNBRIDGE DISTRICT COUNCIL

**REGULATORY & APPEALS COMMITTEE**

CHAIRMAN: Cllr Charlie Dennis

**DATE:** 2<sup>nd</sup> October 2017  
**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 *'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*

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*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 A** - The vehicle, a Ford Mondeo MW56 FYE which the applicant wishes the Committee to consider was first registered on 17 January 2007 and will be 10 years and 9 months old, if granted. The current Hackney Carriage licence expires on 21 October 2017. 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 7 October 2018 with no advisories. The vehicle is booked for a taxi test at the depot on Monday 25<sup>th</sup> September details will be given at committee.

The vehicle has been inspected by a licensing officer and is in very good condition internally and externally. There is a small chip on the drivers' door.

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

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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 requests, 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**

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

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21-8-2017.

Dear Hayley

Further to my letter to you dated on the 9 January 2017, I wish to reply for an extension to my Tax MWS6 FYE, our telephone conversation on the 10<sup>th</sup> January 2017 was to reply two months prior to the next tax test which is due on the 21-10-2017, further information to you is my insurance is due on the 9<sup>th</sup> October 2017 for renewal, and MOT for renewal on the 7<sup>th</sup> October 2017. Thankyou.

Yours Sincerely,

P.S. Hayley.

I AM ON HOLIDAY UNTIL SAT 26-8-2017. ALSO

NEW MOBILE NO

THANKYOU.

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