

Forde House  
Newton Abbot  
Telephone No: 01626 215159

Contact Officer Andrew McKenzie  
E-mail: [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk)

20 October 2017

## REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Monday, 30th 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

- There is an opportunity for members of the public to ask questions at this meeting. Please submit your questions to [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk) by **12 Noon** on the Friday before the meeting.
- 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 Licence Extension** (Pages 3 - 10)  
To consider a request to renew and extend a Hackney Carriage Vehicle Licence.

### **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**

### **2 OCTOBER 2017**

Present:

Councillors Dennis (Chairman), Hockin (Vice-Chairman), Austen and Prowse.

Officers in Attendance:

Andrea Furness, Licensing Manager  
Andrew McKenzie, Democratic Services Officer  
Frances Robinson, Solicitor

#### **153. MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 18 September 2017 were approved and signed as an accurate record.

#### **154. MATTERS OF URGENCY/MATTERS OF REPORT ESPECIALLY BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIRMAN.**

There were no matters of urgency.

#### **155. DECLARATIONS OF INTEREST.**

There were no declarations of interest.

#### **156. HACKNEY CARRIAGE VEHICLE EXTENSION**

Members considered a report which requested to renew and extend a Hackney Carriage vehicle licence.

The applicant was not present at the meeting therefore the vehicle could not be inspected by Members.

Resolved

That the Hackney Carriage vehicle licence for vehicle Ford Mondeo MW56 FYE be renewed and extended for a further 12 months subject to a 6 monthly vehicle inspection.

Reason for decision

In the absence of the applicant and the vehicle in question, Members were content with the officer's report which described the vehicle as being in very good condition both inside and out, and noted that it had passed both its MOT and taxi test.

CHARLIE DENNIS  
Chairman

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# REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Charlie Dennis

**DATE:** 30 October 2017  
**REPORT OF:** LICENSING OFFICER  
**SUBJECT:** HACKNEY CARRIAGE VEHICLE EXTENSION  
**PART I**

## RECOMMENDATION

**The Regulatory & Appeals Committee is asked to determine 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 subsequent licensing is required to be under ten years old with the exception of purpose built cabs'.

All vehicle licences are issued annually. Section 43 of the Town Police Clauses Act 1847 provides that a hackney carriage vehicle licence may be in force for a maximum of one year. Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 provides that such conditions as are considered reasonably necessary may be attached to the grant of a hackney carriage licence.

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 Toyota Avensis, FL56 ETK which the applicant wishes the Committee to consider was first registered on 13<sup>th</sup> October 2006 and will be 11 years and 18 days old, if granted. The current Hackney Carriage licence

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expires on 31<sup>st</sup> October 2017. The vehicle, now being more than 10 years old, no longer meets the Council's licensing Policy and the application therefore needs to be considered by the committee.

The current MOT expires on the 28<sup>th</sup> September 2018 and had 5 advisories.

- 1) Front brake disc worn, pitted or scored but not seriously weakened
- 2) ~~Nearside front tyre worn close to the legal limit on 2.5 mm~~
- 3) ~~Offside front tyre worn close to legal limit on 2.5 mm~~
- 4) Nearside front anti roll bar link bent
- 5) Oil leak

The two front tyres have been replaced.

The vehicle passed a taxi test on 10<sup>th</sup> October 2017 but there is a faulty wire on the off side headlamp causing it to cut out. There were four advisories, Nearside anti –roll bar link bent, high level brake light in operable, not a lot of hand brake travel left and slight oil leak from engine area

The vehicle has been inspected by a licensing officer and is in excellent condition outside and very good condition inside. There is a minor scuff on the nearside rear bumper and the drivers' seat is showing signs of wear.

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.

The applicant has completed and signed the application renewal form stating that the vehicle will be used as a Hackney Carriage vehicle within the District of Teignbridge.

### 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.”

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The Local Government (Miscellaneous Provisions) Act 1976 allows for a District Council to request that a vehicle is presented for inspection up to three times in any 12 month period.

### 4. FINANCIAL IMPLICATIONS

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

### 5. OPTIONS

1. Grant the request, with or without the condition set out in 5.3 of the policy
2. Refuse the request.
3. If the Committee resolve to license the vehicle, the 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**

<b>Wards affected</b>	All
<b>Contact for any more information</b>	H Carpenter
<b>Background Papers (For Part I reports only)</b>	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 extension B: Application Form

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To; TDC Licensing

I would like to post my intentions to submit an appeal to the committee about the continued use of my taxi over the ten year rule.

My number plate is FL56ETK and my taxi plate number is 163.

The car is very clean and tidy; also it's running very well.

I wanted to change to a newer technology; however the cost of the new cars has shot up in price suddenly and put me in a difficult position.

So I can stay in business and provide for my family would like to ask for an extension to the rule.

If however the committee feel that an extension of a year is out of the question then perhaps they may consider six months, as it will give me more time to formulate plan "B".

Mark Hewings

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**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
APPLICATION FOR RENEWAL OF VEHICLE LICENCE**

Please complete all blank sections and amend any sections that are incorrect.

In accordance with the Local Government (Miscellaneous Provisions) Act 1976, I hereby make application for a licence for the undermentioned motor vehicle to be used as a \*Hackney Carriage/Private Hire Vehicle within the District of Teignbridge, and I HEREBY DECLARE that all particulars entered hereon are true and correct to the best of my belief. \*delete as applicable

**Forename(s):** Mark Edward **Surname:** Hewings

**Address:**

**Electronic Mail -**  
**Telephone Number -**  
**Mobile Phone Number -**

**Model:** Avensis  
**Make:** Toyota  
**Colour:** Black  
**Registration:** FL56 ETK

**Seating for:** 4 **Engine Capacity:** 1995

**Expiry Date of Insurance:** ~~14 February 2017~~ 14 Feb 2018  
**Expiry of Road Fund Licence:** 31/10/17  
**Expiry of MOT:** ~~25 September 2017~~ 28/9/2018

**Name of Operator:** DASH TAXIS  
**Address of Operator:**

**PLEASE NOTE**  
Any changes in circumstances which may render any of the information provided invalid must be immediately reported to the Licensing Section.

**Declaration**  
I declare that I have read and understood the notes on this application form and that my answers to the above questions are true to the best of my knowledge and belief.

**Signed:** ..... **Dated:** 10/10/17 .....

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