

Forde House
Newton Abbot
Telephone No: 01626 215159

Contact Officer Andrew McKenzie
E-mail: comsec@teignbridge.gov.uk

17 November 2017

REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Monday, 27th November, 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 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
- Agendas and reports are normally published on the Council's website <http://www.teignbridge.gov.uk/agendas> 5 working days prior to the meeting. If you would like to receive an e-mail which contains a link to the website for all forthcoming meetings, please email comsec@teignbridge.gov.uk
- 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 meeting held on 30 October 2017. (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. Requests for Vehicle Extensions (Pages 3 - 10)
 - a) Hackney Carriage Hire Vehicle Extension - Skoda Octavia WG07 YBY
 - b) Private Hire Vehicle Extension - Ford Tourneo, LV56 LWE
7. Application for a Specialist Vehicle Licence and Small Plate - Stretch Limousine W273 YTM (Pages 11 - 14)
8. Application for a Small Plate Hummer Krystal B19HMR (Pages 15 - 16)

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

30 OCTOBER 2017

Present:

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

Officers in Attendance:

Marie Downey, Solicitor

Hayley Carpenter, Licensing Officer

Andrew McKenzie, Democratic Services Officer

181. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 2 October 2017 were approved and signed as an accurate record.

182. MATTERS OF URGENCY/MATTERS OF REPORT ESPECIALLY BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIRMAN.

There were none.

183. DECLARATIONS OF INTEREST.

There were none.

184. HACKNEY CARRIAGE VEHICLE LICENCE EXTENSION

The Licensing Officer presented the report and advised that the vehicle in question had a valid MOT certificate which was due to expire on 28 September 2017 and had recently passed a taxi test on the 10 October 2017. Of the advisories identified at these tests, 2 had been remedied with the remainder being rectified in due course.

In response to a question from the Licensing Officer, the applicant advised that the roll bar was a small part and was not detrimental to the safety of the vehicle. It would however be repaired together with the other advisories.

The applicant advised he was in the process of establishing a separate business which, if successful, would see him only using the taxi for 6 months and then selling the vehicle on with the licenced plate with the balance of the 12 monthly licence.

The Legal Adviser asked the applicant to confirm that DASH Taxis would be the operator he would be working for at the current time; the applicant confirmed this.

Resolved

That the Hackney Carriage Vehicle licence extension be granted subject to a 6 monthly vehicle inspection.

CHARLIE DENNIS
Chairman

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 27 November 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 from to renew and extend a Hackney Carriage vehicle 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 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 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 Skoda Octavia WG07 YBY, which the applicant wishes the Committee to consider was first registered on 3 August 2007 and will be 10 years and 4 months old, if granted. The current Hackney Carriage licence expires on 1 December 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 3 December 2017 and had two advisories.

- 1) Shock absorber has a light misting of oil nsf
- 2) Shock absorber has a light misting of oil osf

The vehicle taxi test had not yet been booked at the time of writing this report, details will be submitted at the hearing.

The vehicle has been inspected by a licensing officer and is in good condition outside and very good condition inside. There are a few stone chips that require touching in and a chip on the bumper OSR. There are a few minor scuffs on the bumpers.

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 requested if the licence is granted, it is changed to a private hire licence.

TEIGNBRIDGE DISTRICT COUNCIL

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.”

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

TEIGNBRIDGE DISTRICT COUNCIL

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:	N

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 27 November 2017
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.

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 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 Ford Tourneo, LV56 LWE which the applicant wishes the Committee to consider was first registered on 2 November 2006 and will be 2 days off 11 years old, if granted. The current Private Hire licence expired on 31 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 2 November 2018 and had one advisory. The vehicle passed a taxi test on 25 October 2017 with no advisories.

The vehicle has been inspected by a licensing officer and is in good condition inside and outside. The bonnet has some stone chips and there are a few chips on the passenger door. The vehicle is booked to have these dealt with. The seal on the drivers' door has split where it gets trodden on, this is being replaced. The zip on the underside of the arm rest on the second row of seats has broken and the stitching needs redoing.

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.

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:	N

This page is intentionally left blank

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 27 November 2017

REPORT OF: Licensing Officer

SUBJECT: Application for Stretch Limousine

PART I

RECOMMENDATION

1. PURPOSE

To consider approval of the attached application for a stretch limousine .Appendix A and request for a small plate Appendix B.

2. BACKGROUND

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall not grant a licence unless they are satisfied that the vehicle is:

- *Suitable in size type and design for use as a private hire vehicle;*
- *Not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;*
- *In a suitable mechanical condition;*
- *Safe;*
- *Comfortable; and*
- *That there is in force in relation to the use of the vehicle a policy of insurance.*

The conditions and requirements required to be satisfied by the Council to ensure the safety of the public and regulated standards for private hire operators, and to ensure that a minimum standard is set in the licensing of these particular vehicles was adopted by the Regulatory and Appeals Committee 26 March 2008

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.

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.

TEIGNBRIDGE DISTRICT COUNCIL

4. APPLICATION

Limousine – W273 YTM. The vehicle does not meet the vehicle requirements of the policy with regard to the following:

- i) The vehicle is over 10 years old. First registered 12 May 2000.

The MOT expires on 18th October 2018 and has no advisories. The vehicle passed a taxi test at Tor2 with no advisories.

5. ADDITIONAL CONDITIONS

With regard to the licensing of specialist vehicles and limousines additional conditions can be added to the licence in order to satisfy that the vehicle is fit for purpose and to ensure safety to the passengers. The following conditions could be attached for licensing as Private Hire.

1. All components/spare used should be bonifide and meet manufacturer's specification.
2. Plastic glasses only to be used in the vehicle

6. FINANCIAL IMPLICATIONS

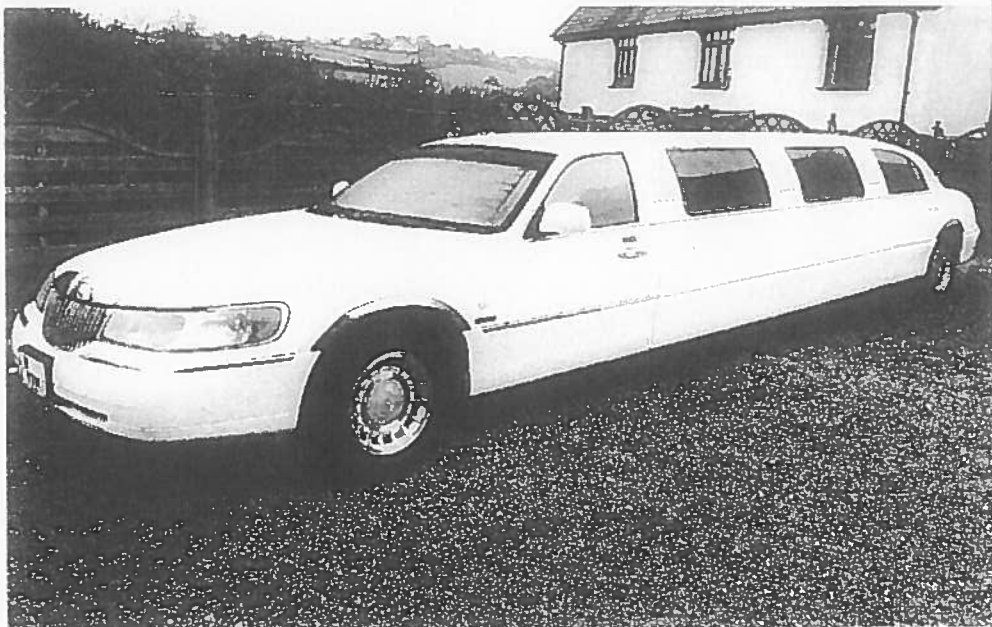
The cost of defending the appeal if the application is refused and the applicant appeals to the Magistrates' Court.

7. OPTIONS

- a. Grant the request, with or without the additional conditions
- b. Refuse the request.

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:	A) Photos



This page is intentionally left blank

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Charlie Dennis

DATE: 27 November 2017

REPORT OF: Licensing Officer

SUBJECT: Request for a small plate for a private hire vehicle

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 Hummer Krystal, registration number B19 HMR 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.

TEIGNBRIDGE DISTRICT COUNCIL

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 replacement of the traditional size plate with the smaller plate (Appendix A). A sample of the standard plate and the smaller plate will be shown to the committee at the hearing.

Small plates have previously been granted for specialist vehicles, Chrysler, Mercedes, Audi TDI, stretch Limousine and two BMW's because the main use was for weddings and special occasions and the removal of a plate from a licensed vehicle is not permitted at any time. There are currently 6 vehicles that have small licence plates displayed.

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 executive hire
2. Refuse the request

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:	N