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12 January 2018

## REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Monday, 22nd January, 2018** 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** two working days 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 - To approve the minutes of the last meeting. (To follow)
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. Request for a Private Hire Vehicle Licence Extension - Volkswagen Transporter LF05 YMZ (Pages 1 - 4)
7. Request for a Private Hire Vehicle Licence Extension - Renault Traffic DO51 CAB (Pages 5 - 8)
8. Request for exemption to display plate for a private hire vehicle - Mercedes Benz (Pages 9 - 12)

### **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.

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**REGULATORY & APPEALS COMMITTEE**

CHAIRMAN: Cllr Dennis

**DATE:** 22<sup>nd</sup> January 2018  
**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 grant 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.

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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 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 Volkswagen transporter LF05 YMZ which the applicant wishes the Committee to consider was first registered on 30<sup>th</sup> March 2005 and will be 12 years and 10 months old, if granted. The current private hire licence expires on 14<sup>th</sup> January 2018. 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 25<sup>th</sup> July 2018 with no advisories. At the time of writing this report the vehicle has not undergone a taxi test, due to the Christmas break it would have had to have been done 6 weeks before the licence expires. Details will be presented at the hearing.

The vehicle has been inspected by a licensing officer and is in very good condition internally and externally.

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

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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**

<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 extension

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**REGULATORY & APPEALS COMMITTEE**

CHAIRMAN: Cllr Dennis

**DATE:** 22<sup>nd</sup> January 2018  
**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.

**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,*

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*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 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 Renault Traffic DO51 CAB which the applicant wishes the Committee to consider was first registered on 29<sup>th</sup> November 2005 and will be 12 years and 2 months old, if granted. The current Hackney Carriage licence expires on 16<sup>th</sup> February 2018. 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 4<sup>th</sup> February 2018 with no advisories. At the time of writing this report the vehicle has not undergone a taxi test, due to the Christmas break it would have had to have been done two months before the licence expires. Details will be presented at the hearing.

The vehicle has been inspected by a licensing officer and is in excellent condition internally and externally.

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



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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**

<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 extension

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TEIGNBRIDGE DISTRICT COUNCIL

**REGULATORY & APPEALS COMMITTEE**

CHAIRMAN: Cllr Charlie Dennis

**DATE:** 22 January 2018  
**REPORT OF:** Licensing Officer  
**SUBJECT:** Request for exemption to display 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 the exemption to display a plate for a Mercedes Benz CLS 350 CDI to be licensed as 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*

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*approved by the Council whilst the vehicle is being used for hire purposes and shall be kept fully visible and legible at all times.*

*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 exemption to display the rear plate whilst carry out specific aspects of his business, Film Location Support (Ltd), Appendix B. The applicant's reason for the request is because the vehicle is to be used for chauffeuring executive clients within the film and TV industry. A small plate could be displayed on the inside rear door of the vehicle and the applicant would be happy to display a full size plate for any work outside of film industry.

Although we do not have an exemption/dispensation application process within our policy some Authorities do, for example, Mendip District Council have a dispensation application available. *3.24.2 Proprietors that use PHVs for executive/prestige/VIP type business may apply for a dispensation to not display a licence plate and door signage. In these circumstances the laminated certificate issued by the Authority confirming that such a dispensation is in force must be carried in the vehicle and produced for inspection upon request. An application for exemption must be submitted to the Authority and will be considered by an officer of the Council.*

The Applicant company hire private hire drivers from different areas in the country.

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 is 230mm x 75mm, samples of which will be shown at committee. A front windscreen identification plate measures 90mm x 85mm.

### **4. FINANCIAL IMPLICATIONS**

None

### **5. OPTIONS**

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1. Grant the request for dispensation to display a rear plate when used for executive hire with or without the display of a small plate inside the vehicle
2. Grant the display of a small plate on the rear of the vehicle.
3. Add a condition that a plate should be displayed when not working within the Film and TV industry.
4. Refuse the request

**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>	<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: Application B : Request C: Letter from Studio Cars Bristol Ltd

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