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16 February 2018

REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Monday, 26th February, 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

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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 (Pages 1 - 4)
To confirm the minutes of the meetings held on 22 January (attached) and 14 February 2018 (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. Application for a Private Hire vehicle Extension WJ07 WXY (Pages 5 - 8)
7. Application for a Hackney Carriage Vehicle Extension LB52 YNU (Pages 9 - 12)
8. Application for a Hackney Carriage Vehicle Extension WU07 UFA (Pages 13 - 16)
9. Application for a Hackney Carriage Vehicle Licence WD12 HNM (Pages 17 - 18)
10. Application for a small plate for a private hire vehicle MK14 CYZ (Pages 19 - 20)
11. Application for a licence and small plate for a private hire vehicle - Rouch Mustang GT (Pages 21 - 24)
12. The District of Teignbridge(16 Hele Road) Kingsteignton Tree Preservation Order 2017 E2/23/38 (Pages 25 - 34)

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

MONDAY, 22 JANUARY 2018

Present:

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

Apologies:

Councillors Ausen

Officers in Attendance:

Hayley Carpenter, Licensing Officer
Hannah Milford, Legal Assistant
Trish Corns, Democratic Services Officer.

290. MINUTES

The Minutes of the meeting held on 27 November, 2017 were confirmed as a correct record and signed by the Chairman.

291. DECLARATIONS OF INTEREST.

There were no declarations of Interest.

292. REQUEST FOR A PRIVATE HIRE VEHICLE LICENCE EXTENSION - VOLKSWAGEN TRANSPORTER LF05 YMZ

Consideration was given to an application for a 12 month Private Hire Vehicle Licence extension for a VW Transporter, registration LF05 YMZ. The application is for a new licence because the previous licence extension expired on 14 January 2018.

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 10 years old. However the Council has 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 vehicle has a valid MOT until 25 July 2018 and passed the recent vehicle inspection test with no advisories.

The applicant's representative was in attendance at the meeting and spoke in support of the application.

Resolved

VW Transporter, registration LF05 YMZ is approved a 12 month Hackney Carriage Vehicle Licence subject to a 6 monthly vehicle inspection test.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representations by the Applicant and the Licensing Officer, the Committee is satisfied with the general standard of the vehicle, the state of repair and the condition of the vehicle. Therefore it is considered the vehicle is fit for use for the general public and paying customers.

293. REQUEST FOR A PRIVATE HIRE VEHICLE LICENCE EXTENSION - RENAULT TRAFFIC DO51 CAB

Consideration was given to an application for a 12 month Hackney Carriage Vehicle Licence extension for a Renault Traffic, registration DO51 CAB. The current licence extension expires on 16 February 2018.

All vehicle licences are issued annually and Section 43 of the Town Police Clauses Act 1847 provides that a 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 10 years old. However the Council has 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 vehicle has a valid MOT until 4 February 2018 and passed the recent vehicle inspection test, with no advisories.

The applicant was in attendance at the meeting and spoke in support of his application.

Resolved

The Renault Traffic, registration DO51 CAB is approved a 12 month Hackney Carriage Vehicle Licence, subject to a 6 monthly vehicle inspection test

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representations by the Applicant and the Licensing Officer, the Committee is satisfied with the general standard of the vehicle, the state of repair and the condition of the vehicle. Therefore the vehicle is considered fit for use for the general public and paying customers.

294. REQUEST FOR EXEMPTION TO DISPLAY PLATE FOR A PRIVATE HIRE VEHICLE - MERCEDES BENZ

We have been asked to consider a request for an exemption to display a Private Hire Vehicle Licence Plate for a CLS 350 CDI Mercedes Benz, registration W6 FLW.

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

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

The Licensing Officer advised on the available options and that legislation did permit the Licensing Authority to grant, if minded to do so, a discretionary condition so as to allow the placing of the vehicle’s licence plate on the inside, provided the plate is in clear view of the client when they entered the vehicle. Additionally the Licensing Authority can specify either certain occasions when the plate needs not to be displayed, or alternatively a notice can be issued which can be carried effectively in lieu of the plate being displayed, under Section 75(3) of the Local Government (Miscellaneous Provisions Act) 1976.

The applicant was in attendance and explained the nature of his work and was able to demonstrate the need not to display the licence plate on the outside of his vehicle, given the security and specialist chauffeur service that his business entails.

Resolved

- (a) That the request for an exemption to display a private hire vehicle licence plate for vehicle W6 FLW be approved; and
- (b) That a small licence plate be affixed to the inside of the vehicle and displayed at all times, in a position agreed between the applicant and the Licensing Officer.

Reason for Decision

Having heard the applicant's description of his business and the work that it entails, and the available options advised by the Licensing Officer, Members believe the resolutions above would be best suited to the applicant whilst meeting the Council's licensing responsibilities.

CHARLIE DENNIS
Chairman

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 26 February 2018

REPORT OF: Licensing Manager

SUBJECT: Private Hire Vehicle Extension WJ07 WXY

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.

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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 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 Volkswagen Sharan, WJ07 WXY which the applicant wishes the Committee to consider was first registered on 15 March 2007 and will be 10 years and 11 months old, if granted. The current Private Hire licence expires on 20 March 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 15 March 2018 and had three advisories:

- Offside Rear Tyre worn close to the legal limit
- Nearside Front Brake hose slightly deteriorated
- Oil Leak

At the time of this report being written the vehicle had not undergone a taxi test but we have been advised that both MOT and taxi test will be carried out prior to this meeting.

At the time of writing this report the vehicle had not been inspected by a licensing officer.

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

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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.

Andrea Furness
Licensing Manager
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

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TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 26th February 2018

REPORT OF: Licensing Officer

SUBJECT: Hackney Carriage Vehicle Extension LB52 YNU

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, if not incorporated, shall be signed by two or more of the commissioners, and shall*

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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 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 London cab TX LB52 YNU which the applicant wishes the Committee to consider was first registered on 30th January 2003 and is a purpose built cab. The vehicle will be 15 years and 1 month old, if granted. The current Hackney Carriage licence expires on 6th March 2018. The vehicle will no longer meet the Council's licensing policy as it is now being more than 15 years old.

The vehicle has a current MOT that expires on the 4th March 2018 and had no advisories.

The vehicle is booked for a vehicle inspection and MOT on 7th February 2018, details will be presented at committee.

The vehicle has been inspected by a licensing officer and the applicant was advised of the following:-

Crack in partition between the passengers and the driver, both folding seats had damaged frames, consul has digs on the passenger side, slight rust spots to the bottom of doors, small dent in the boot, casing peeling on the wing mirrors and one windscreen wiper rusty. The applicant is going to rectify some of these advisories before it is presented to committee. It was considered to be in good condition internally and externally.

At the time of writing this report the Licensing Officer has not had the opportunity to re-inspect the vehicle, further details will be presented at the hearing.

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:

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“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

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

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TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 26th February 2018

REPORT OF: Licensing Officer

SUBJECT: Hackney Carriage Vehicle Extension WU07 UFA

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*

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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 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 Corolla Verso WU07 UFA which the applicant wishes the Committee to consider was first registered on 1st March 2007 and will be 10 years and 11 1/2 months old, if granted. The current Hackney Carriage licence expires on 20th 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 1st February 2019 and had four advisories. Seat belt stitching slightly frayed, nearside rear position lamp(s) has light sources not illuminating, but not more than 50%, High level brake 40% inoperable and nearside mirror view unserviceable.

The vehicle passed a taxi test on 29th January 2018 with several advisories, Appendix B.

The vehicle has been inspected by a licensing officer and advised that work would need to be completed in order to make it acceptable to be put before the committee. Windscreen wipers rusting, stone chips to the bonnet, small crack in number plate, both headlights cloudy, drivers' door badly scratched, seats watermarked, scuffs to front and rear bumpers, rust spot on passenger door, casing missing on both wing mirrors.

At the time of writing this report the Licensing Officer has not had the opportunity to re-inspect the vehicle, further details will be presented at the hearing.

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:

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“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

Wards affected	All
Contact for any more information	Hayley 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

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TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 26th February 2018
REPORT OF: Licensing Officer
SUBJECT: Hackney Vehicle Licence WD12 HNM

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 Hackney Carriage vehicle licence for a vehicle that is over 5 years old.

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 5 years old at first registration.

All vehicle licences are issued annually and Section 43 of the Town Police Clauses Act 1847 provides that a hackney carriage licence and Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a private hire licence may only be in force for a maximum of 1 year.

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.

3. REQUEST

The vehicle WD12 HNM Mercedes Benz the applicant wishes the Committee to consider was first registered on 15th March 2012 and will be 5 years and 11 months old, if granted. The vehicle has previously been licensed by Teignbridge Council from 29th March 2012 until 8th June 2017 as a private hire vehicle. The private hire licence was transferred onto a new Mercedes by the applicant in June 2017. In hind sight the proprietor should have plated the new Mercedes as a new private hire and made application to change this vehicle to a Hackney Carriage. The licence having lapsed

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means that the vehicle no longer meets the Council Policy for renewal and the request is to licence as a new vehicle, therefore does not meet the Councils Policy of being under 5 years old.

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.

4. 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.”

3. FINANCIAL IMPLICATIONS

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

4. OPTIONS

1. Committee is asked to grant or refuse this application

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

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 26th February 2018

REPORT OF: Licensing Officer

SUBJECT: Request for a small plate for a private hire vehicle
MK14 CYZ

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 Ford Galaxy, registration number MK14 CYZ to be 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 requested replacement of the traditional size plate with the smaller plate (Appendix A). The reason for the request is because the vehicle is to be used for private executive tours only. The company operator already has a small plate exemption for his vehicle. It has been requested that the vehicle is available for viewing at the hearing, should the committee wish to do so.

Small plates have previously been granted for specialist vehicles, Chrysler, Mercedes, Audi TDI, stretch Limousine and two BMW's because they were going to mainly be used for weddings and special occasions and the removal of a plate from a licensed vehicle is not permitted at anytime.

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 tour 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)	Relevant legislation and Hackney Carriage and Private Hire Regulations 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

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Charlie Dennis

DATE: 26 February 2018

REPORT OF: Licensing Officer

SUBJECT: Request for a licence and small plate for a private hire vehicle Rouch Mustang GT

PART I

RECOMMENDATION

That the Regulatory & Appeals Committee is asked to consider whether to refuse or grant the requests.

1. PURPOSE

To consider the grant of a private hire vehicle licence for a Rouch Mustang GT that is over 5 years old and approval for a small plate.

2. BACKGROUND

The Council's requirements on age of vehicles is set out in the Hackney Carriage and Private Hire Licensing Policy, at paragraph 5.2 on page 16.

5.2 Age of Vehicle

A vehicle being presented for initial licensing is required to be under five years old at first registration.

By their nature stretch limousines and specialist vehicles are unlikely to comply with the foregoing age criteria for first registration or subsequent licensing. With these types of vehicles applications can be made to the Council to licence vehicles which do not meet the age criteria. Such applications will not be determined by the officers of the Council's Licensing Section but by the Regulatory and Appeals Committee, who will need to be satisfied that the vehicle meets the strict vehicle testing standard, the recommended conditions and requirements which are set out in the Policy.

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

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'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.

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. An example will be shown to the committee. The applicant's reason for the request is to extend existing wedding and charity business to include birthdays, proms and special occasions. It has been requested that the vehicle is available for viewing at the hearing, should the committee wish to do so.

Small plates have previously been granted for specialist vehicles, Chrysler, Mercedes, Audi TDI, stretch Limousine, BMW's and a Range Rover sport 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 approximately 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.

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4. FINANCIAL IMPLICATIONS

None

5. OPTIONS

1. Grant the licence with or without the small plate
2. Refuse the grant of the licence

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

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TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr C Dennis

DATE: 26 February 2018

REPORT OF: Arboricultural Officer

SUBJECT: The District of Teignbridge(16 Hele Road)
Tree Preservation Order 2017
E2/23/38

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve that:

The District of Teignbridge (16 Hele Road) Tree Preservation Order 2017 is confirmed unmodified.

1. PURPOSE

The District of Teignbridge (16 Hele Road) Tree Preservation Order 2017 protects an area of trees located between the rear gardens of 16 Hele Road and properties with Ashton Court, Kingsteignton.

The Tree Preservation Order (TPO) was served on 27 September 2017, the provisional protection will cease on 26 March 2018, if it is not confirmed.

2. BACKGROUND

The tree preservation order was made following a request from the owner/occupier of 16 Hele Road, as there were ongoing discussions with adjacent property owners/occupiers regarding the ownership of the trees and their future management.

Local Planning Authorities (LPAs) have a duty under Part VIII of the Town and Country Planning Act 1990 (TCPA) to ensure the protection of trees (Section 197) by making Tree Preservation Orders where it is considered necessary. "Tree Preservation Orders - A Guide to the Law and Good Practice" (published by the then DETR) provides additional guidance on when to serve TPOs. Section 198 of the TCPA states LPAs may make a TPO if it appears to them to be "expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area".

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The provisional TPO provides protection for six months from the date of serving, but if not confirmed before or at this time, the protection provided by it will cease.

The trees are highly visible and contribute to the visual amenity of the area. The loss or significant pruning of the trees would have a detrimental impact upon the visual amenity of the area

As the trees are protected by an “Area” designation the use of the standard visual amenity rating system is not considered appropriate.

Owing to the importance of the tree within the local landscape, The District of Teignbridge (16 Hele Road) Tree Preservation Order 2017 was made and served on 27 September 2017.

1 letter of objection have been received.

The objection can be summarised as follows:

- The trees obscure views of Dartmoor
- The trees restrict light to the house and garden
- The trees would cause property damage and may injure children playing in the garden if the trees fell.

Officer Comment:

- The Council would look upon an application to crown lift the trees sympathetically. The crown lifting of the trees may assist in improving views, and increasing light levels to the rear elevation and garden.
- No information has been provided that indicates the trees or sections of the trees are liable to fail.

3. SUSTAINABILITY IMPLICATIONS

Trees in urban areas are a vital component of a sustainable future, serving to absorb CO², create oxygen and filter pollutants that exacerbate conditions such as eczema and asthma, as well as providing shade and screening and a softening of the built environment. Trees provide a sense of place, habitat for fauna and flora, as well as uplifting the spirits of many people.

4. FINANCIAL IMPLICATIONS

None

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5. OPTIONS

The Regulatory and Appeals Committee can decide to:

- Confirm the Tree Preservation Order unmodified
- Not to confirm the Tree Preservation Order

Officer Name: Mark Waddams

Officer Designation: Arboricultural Officer

The box below to be completed by the report author.

Wards affected	Kingsteignton West
Contact for any more information	M Waddams (01626) 215708
Background Papers (For Part I reports only)	
Key Decision	N
In Forward Plan	N
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	A: B:



Scale
1:600

District of Teignbridge (16 Hele Road) Tree Preservation Order 2017

E2/23/38



TREE PRESERVATION ORDER**Town and Country Planning Act 1990****The District of Teignbridge (16 Hele Road) Tree Preservation Order 2017**

The Teignbridge District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990, hereby make the following Order

Citation

1. This Order may be cited as **The District of Teignbridge (16 Hele Road) Tree Preservation Order 2017**

Interpretation

2. (1) In this Order "the authority" means the Teignbridge District Council
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:
- a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
- any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 27 September 2017

Signed on behalf of the Teignbridge District Council

.....
 Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by the Teignbridge District Council without modification on the

Date:

OR

This Order was confirmed by the Teignbridge District Council, subject to the modifications indicated by:

- the substitution of the original Schedule 1 (which is shown deleted by a black line) with the new substituted Schedule 1, which is marked "Substituted Schedule 1"
- the substitution of the original Plan (which is shown deleted by a black line) with the new substituted Plan, which is marked "Substituted Plan"

Date:

Signed on behalf of the Teignbridge District Council

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Teignbridge District Council on:

Date:

Signed on behalf of the Teignbridge District Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Teignbridge District Council on the [INSERT DATE] by a variation order under reference number [INSERT REFERENCE NUMBER TO THE VARIATION ORDER] a copy of which is attached:

Signed on behalf of the Teignbridge District Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the Teignbridge District Council on the:

Date:

Signed on behalf of the Teignbridge District Council

.....

Authorised by the Council to sign in that behalf

FIRST SCHEDULE

SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY

(Encircled in black on the map)

NONE

TREES SPECIFIED BY REFERENCE TO AN AREA

(Within a dotted black line on the map)

REFERENCE ON MAP	DESCRIPTION	SITUATION
A1	Trees of whatever species	located close to the eastern boundary of 16 Hele Road

GROUP OF TREES

(Within a broken black line on the map)

NONE

WOODLAND

(Within a continuous black line on the map)

NONE



Scale
1:600

District of Teignbridge (16 Hele Road) Tree Preservation Order 2017

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Kingsteignton
Newton Abbot
TQ12 3TL

5th October 2017

Teignbridge District Council
Forde House
Newton Abbot
TQ12 4XX

For the attention of Mark Waddams

Dear Sir

Ref:- E2/23/38 – T.P.O. 16 Hele Road, Kingsteignton

I would like to object to the above TPO. I have lived at the above address for over 10 years and have always kept the trees back from hanging over my decking and because I wanted to lower them the lady at 16 Hele Road thought she would put a TPO on them.

When I moved to this address I had lovely views across to Dartmoor (see attached photographs) now I cannot see anything except very high trees.

These trees also keep out light from my house and garden. I am also concerned if they were to fall they are much closer to my property than 16 Hele Road, I also have my Grandchildren playing regularly in my garden and what if they fell then.

I am not even sure if these trees do belong to 16 Hele Road. I am now left with half cut down trees as she insisted my Tree surgeon to stop. I only want to lower the trees not cut them down completely.

I believe all the trees along the back of Ashton Court should be lowered for safety reasons.

Please confirm how I can proceed with the lopping of the trees as I mentioned above I have half a job done.

Yours Faithfully