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25 April 2018

## REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Thursday, 3rd May, 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  
Councillor Lorraine Evans

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 meeting held 26 March 2018 (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. Request for private hire vehicle licence and small plate - Jaguar XJ GJ12 VPE (Pages 3 - 6)
7. Request for a small plate for a private hire vehicle - Hyundai I800, EG16 VK (Pages 7 - 10)

### **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.**

8. The Committee is recommended to approve the following resolution  
That under Section 100(A)(4) of the Local Government Act 1972 the Press and public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act".
9. Staffing Matters

## **REGULATORY & APPEALS COMMITTEE**

**MONDAY, 26 MARCH 2018**

Present:

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

Apologies:

Councillors Cook

Officers in Attendance:

Mrs Downey, Solicitor

Mrs Carpenter, Licensing Officer

Mrs Corns, Democratic Services Officer

### **384. MINUTES**

The Minutes of the meetings held on 14 and 26 February were confirmed as a correct record and signed by the Chairman.

### **385. DECLARATIONS OF INTEREST.**

There were no declarations of interest.

### **386. APPLICATION FOR AN EXTENSION OF A HACKNEY CARRIAGE VEHICLE LICENCE BD57 ZHN**

*The Committee adjourned to inspect the vehicle.*

On reconvening the Solicitor advised on the procedure for the meeting.

The Chairman referred to the report circulated with the agenda and consideration was given to an application for an extension of a Hackney Carriage vehicle Licence registration BD57 ZHN Ford S-Max.

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 ten 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 Council's 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.

The Licensing Officer advised that the vehicle has a valid MOT until March 2019, and passed the vehicle inspection test on 8 March 2018. The former had one advisory which has been rectified. Two potential advisory issues were identified at the time of the Inspection test and these have also been rectified.

The Applicant was in attendance at the meeting and addressed Members in support of the application.

Resolved

The Ford S-Max, BD57 ZHN is approved a 12 month Hackney Carriage Vehicle Licence extension, in accordance with legislation.

**Reason for Decision**

Having inspected the vehicle, read all written material, and listened to the representation 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.

CHARLIE DENNIS  
Chairman

TEIGNBRIDGE DISTRICT COUNCIL

**REGULATORY & APPEALS COMMITTEE**

CHAIRMAN: Cllr Dennis

**DATE:** 3<sup>rd</sup> May 2018  
**REPORT OF:** Licensing Officer  
**SUBJECT:** Request for private hire vehicle licence and small plate

**PART I**

**RECOMMENDATION**

The Regulatory & Appeals Committee is recommended to resolve whether to grant or refuse these requests.

**1. PURPOSE**

The Committee is asked to consider a request to grant a Private Hire vehicle licence for a vehicle that is over 5 years old and if granted approval of a small plate.

**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.

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*

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*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.'*

### **3. REQUEST**

The vehicle GJ12 VPE Jaguar XJ the applicant wishes the Committee to consider was first registered on March 2012 and will be 6 years and 1 month old, if granted, therefore does not meet the Councils Policy of being under 5 years old. The applicant wishes to increase the use of the vehicle from solely weddings to executive transfers and proms.

The applicant requested replacement of the traditional size plate with the smaller plate. The reason for the request is because the vehicle is to be mainly used in connection with weddings and executive transfers.

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 any time.

### **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."

### **5. 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.

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

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### 6. OPTIONS

1. Grant the licence application with approval of a small plate.
2. Grant the licence application with a standard plate
3. Refuse the application

**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>	N

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**REGULATORY & APPEALS COMMITTEE**

CHAIRMAN: Cllr Dennis

**DATE:** 3<sup>rd</sup> May 2018  
**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.**

**1. PURPOSE**

To consider approval for a small plate for a Hyundai I800, registration number EG16 VKU a currently licensed Private Hire vehicle, P455.

**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.'*

### 3. REQUEST

The applicant requested replacement of the traditional size plate with the smaller plate. The reason for the request is because the vehicle is to be used mainly in connection with weddings and executive transfers.

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 any time.

### 4. 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.

### 5. FINANCIAL IMPLICATIONS

None

### 6. OPTIONS

1. Grant the request for a small plate to be used in connection with weddings and executive transfers
2. 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

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<b>In O&amp;S Work Programme</b>	N
<b>Community Impact Assessment attached:</b>	N
<b>Appendices attached:</b>	N

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