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8 September 2017

## REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Monday, 18th September, 2017** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **9.00 am**

Yours sincerely

NEIL AGGETT  
Democratic Services Manager

Distribution:

- (1) The Members of the Regulatory & Appeals Committee (subject to confirmation of Executive Members by the Leader)

Councillor Charlie Dennis (Chairman)  
Councillor Ted Hockin (Vice-Chairman)  
Councillor Beryl Austen  
Councillor Sheila Cook  
Councillor Rosalind Prowse

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- (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.
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- Reports in Parts I and III of this agenda are for public information. Any reports in Part II are exempt from publication due to the information included, under the provisions of the Local Government Act 1972.

## **A G E N D A**

### **Part I**

1. Apologies for absence
2. Minutes of the previous meeting
3. Agreement of the Agenda between Parts I and II.
4. Matters of urgency/matters of report especially brought forward with the permission of the Chairman.
5. Declarations of Interest.
6. Hackney Carriage Vehicle Extensions (Pages 1 - 6)  
To consider whether to grant Hackney Carriage Vehicle Extensions.

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**REGULATORY & APPEALS COMMITTEE**

CHAIRMAN: Cllr Dennis

**DATE:** 18 September 2017  
**REPORT OF:** Licensing Officer  
**SUBJECT:** Hackney Carriage Vehicle Extensions

**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 Mr Philip Street to renew and extend a two Hackney Carriage vehicle licences 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 not include more than one carriage so*

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*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 A** - The vehicle, a Volkswagen Sharan, EY55 OUD which the applicant wishes the Committee to consider was first registered on 1 September 2005 and will be 12 years old, if granted. The current Hackney Carriage licence expires on 24 September 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 7 July 2018 and had no advisories. The vehicle passed a taxi test on 29<sup>th</sup> August with no advisories.

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.

**Request B** – This request has been withdrawn

**Request C** - The vehicle, a Volkswagen Sharan, LN55 YNM which the applicant wishes the Committee to consider was first registered on 1 September 2005 and will be 12 years old, if granted. The current Hackney Carriage licence expires on 24 September 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 28 July 2018 and had no advisories. The vehicle passed a taxi test on 1<sup>st</sup> September with two advisories, OSF tyre wearing inner edge, stone chip Zone A under 10mm..

The vehicle has been inspected by a licensing officer and is in good condition internally and externally. The alloys are a bit scuffed, internal handles inside are scratched but will be made good. Cuff on the gear stick showing signs of wear.

It has been requested that the vehicle is made available at the hearing for inspection by the Committee should the members wish to do so.

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### 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 requests, 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**

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<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 extensions

**Andrea Furness**

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**From:**  
**Sent:** 07 August 2017 17:07  
**To:** Ext Mail: Licensing; Hayley Carpenter  
**Subject:** R & A Meeting 4 September 2017

Dear Committee Members

I would like to request that you consider my vehicles to have their licences extended by one year.

**EY05 OUD**

This is a Volkswagen Sharan in very good condition, it is serviced every 10,000 miles. Its annual MOT was on 7 July 2017 and it passed with no advisories. Its current licence is due to expire on 24 September and it will have a taxi test prior to the meeting on 4 September.

**YP04 WNA**

This is a Ford Torneo which is an eight seat minibus. This is also serviced every 10,000 miles. The Annual MOT is due on 2 September and has been booked for the 15 August. Its current licence is due to expire on 11 September and it will have a taxi test prior to the meeting on 4 September.

**LN55 YNM**

This is a Volkswagen Sharan in very good condition, it is serviced every 10,000 miles. Its annual MOT was on 29 July and it passed with no advisories. Its current licence is due to expire on 24 September and it will have a taxi test prior to the meeting on 4 September.

The vehicles will be available for you to inspect at the meeting.

Many thanks

on behalf of Philip Street

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