

Forde House
Newton Abbot
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29 June 2018

REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Monday, 9th July, 2018** in the Council Chamber - Forde House at **10.00 am**

Yours sincerely

PHIL SHEARS
Managing Director

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 Lorraine Evans
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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- If you would like this information in another format, please telephone 01626 361101 or e-mail 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.

AGENDA

Part I

1. Apologies for absence
2. Minutes (Pages 1 - 4)
To confirm the minutes of the previous meeting held on 11th June, 2018.
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 Hackney Carriage Vehicle Extension (Pages 5 - 8)
7. Application for a Hackney Carriage Vehicle Extension (Pages 9 - 12)
8. Application for a Hackney Carriage Vehicle Extension (Pages 13 - 16)
9. Application for a Hackney Carriage Vehicle Extension (Pages 17 - 20)
10. Application for a Hackney Carriage Vehicle Extension (Pages 21 - 24)
11. Amendment to Hackney Carriage and Private Hire Licensing Policy (Pages 25 - 28)

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

MONDAY, 11 JUNE 2018

Present:

Councillors Hockin (Vice-Chairman), Evans, Prowse and Jones (Reserve)

Apologies:

Councillors Dennis, Austen and Cook

Officers in Attendance:

Marie Downey, Solicitor

Hayley Carpenter, Licensing Officer

Trish Corns, Democratic Services Officer

49. CHAIRMAN

In the absence of the Chairman, the Vice Chairman chaired the meeting.

50. MINUTES

The Minutes of the meeting held on 24 May, 2018 were approved as a correct record and signed by the Chairman.

51. DECLARATIONS OF INTEREST.

There were no declarations of interest.

52. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE EXTENSION

The Committee adjourned to inspect the vehicle.

Consideration was given to an application to renew and extend a Hackney Carriage Vehicle Licence for vehicle registration Ford Mondeo ET57 GHB.

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 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 by members of the public.

It was noted that the vehicle recently passed an MOT and vehicle inspection test.

The Applicant's representatives were in attendance to support the request.

Resolved

Vehicle registration Ford Mondeo ET57 GHB is approved a 12 month Hackney Carriage Vehicle Licence renewal and extension, in accordance with legislation, subject to a six monthly vehicle inspection test.

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.

53. APPLICATION TO DISPLAY A SMALL PLATE FOR A PRIVATE HIRE VEHICLE

Consideration was given to a request to display a small Private Hire Vehicle Licence Plate for a Mercedes V250 KP67 TFO

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 nature of the Applicant's work was noted and Members understood the need to display a small licence plate on the outside of his vehicle, given the specialist service that his business entails.

Resolved

That the request to display a small private hire vehicle licence plate for vehicle Mercedes V250 KP67 TFO be approved, subject to the private hire operator

producing 6 monthly booking records to the Licensing department to evidence the vehicle's continued use for the specialist service of executive travel.

Reason for Decision

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

54. RICKSHAW POLICY

Following public consultation of the policy in accordance with Council procedure, consideration was given to the one representation as a result of the consultation. The representation supported the policy but raised concerns about the use of audio equipment during a journey.

It was considered that in response to the representation, the Code of Conduct could be amended with the additional criteria:

23) The use of audio equipment being played from a Rickshaw is prohibited.

It was also considered that the following criteria should be added:

24) The use of personal audio equipment e.g. earphones or any other similar personal equipment whilst driving is prohibited.

In response to a question from the Committee in relation to the number of passengers permitted, the Licensing Officer referred the Committee to No.11 of the Licensing Conditions.

In response to a further question regarding the carrying of pets, it was noted that this would be in accordance with the carrying of guide dogs on hackney carriage vehicles.

Resolved

That Appendix A, the Code of Conduct of the Policy be amended with the following two additional criteria:

23) The use of audio equipment being played from a Rickshaw is prohibited.

24) The use of personal audio equipment e.g. earphones or any other similar personal equipment whilst driving is prohibited.

EDWARD HOCKIN
Chairman

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TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 9th July 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 (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 London TX, registration LA02 NRU which the applicant wishes the Committee to consider was first registered on 29th July 2002 and is a purpose built cab. The vehicle will be 16 years and 1 month old, if granted. The current Hackney Carriage licence expires on 9th August 2018. The vehicle will no longer meet the Council's licensing policy.

The vehicle has a current MOT expire on 2nd August 2018 and had no advisories.

The vehicle is booked for a vehicle inspection at the depot on 26th June 2018, details will be presented at committee.

The vehicle has been inspected by a licensing officer and is in excellent condition inside and out.

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

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: Request for extension B: Vehicle Inspection sheet

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TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 9th July 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 Private Hire 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,*

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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 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 Seat Alhambra, registration KS57 CJV which the applicant wishes the Committee to consider was first registered on 18th December 2007 will be 10 years and 8 month old, if granted. The current Hackney Carriage licence expires on 4th August 2018.

The current MOT expires 17th May 2019 and has two advisories

- Windscreen has damage to an area less than a 10mm circle within zone 'A'
- Offside Front Steering rack gaiter deteriorated

At the time of writing this report the vehicle has not undergone a taxi test at the depot, details will be presented to committee at the hearing.

The vehicle has been inspected by a licensing officer and was in good condition inside and fair outside. The owner was advised of a few items that would need completing before presenting to committee. Gaiter and gear knob to be replaced, Crack in the rear light, drivers wing mirror to be replaced. Some touching in to the body work, stone chips etc.

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.”

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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:	

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TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 9th July 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 Private Hire 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,*

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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 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 Mondeo, registration KB07 TZC which the applicant wishes the Committee to consider was first registered on 25th June 2007 will be 11 years and 1 month old, if granted. The current Hackney Carriage licence expires on 10th August 2018.

The current MOT expires 9th June 2019 and has six advisories

- Windscreen has damage to an area less than a 40mm circle outside zone 'A'
- Induction leak
- Offside Headlamp deteriorated but light output not reduced
- Oil leak
- Nearside Front Anti-roll bar linkage ball joint dust cover deteriorated, but preventing the ingress of dirt
- Offside Front Anti-roll bar linkage ball joint dust cover deteriorated, but preventing the ingress of dirt

At the time of writing this report the vehicle has not undergone a taxi test at the depot, details will be presented to committee at the hearing.

The vehicle has been inspected by a licensing officer and was in good condition inside and out.

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 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

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Key Decision	N
In Forward Plan	N
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 9th July 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 Private Hire 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*

TEIGNBRIDGE DISTRICT COUNCIL

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 Volkswagen Sharan, registration PY05 KFJ which the applicant wishes the Committee to consider was first registered on 7th July 2005 will be 13 years old, if granted. The current Hackney Carriage licence expires on 13th August 2018.

The current MOT expires 7th July 2018 and had no advisories

At the time of writing this report the vehicle has not undergone a taxi test at the depot, but is booked for the 3rd July, details will be presented to committee at the hearing.

The vehicle has been inspected by a licensing officer and was in good condition inside and out. There are some small stone chips to the bonnet.

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

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:	

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TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 9th July 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 renew and extend a Private Hire 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 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'.

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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, registration GY05 AWC which the applicant wishes the Committee to consider was first registered on 30th March 2005 will be 13 years and 4 months old, if granted. The current Hackney Carriage licence expires on 7th August 2018.

The current MOT expires 5th July 2018 and had no advisories

At the time of writing this report the vehicle has not undergone a taxi test at the depot but it is booked for the 3rd July, details will be presented to committee at the hearing.

The vehicle has been inspected by a licensing officer and was in good condition inside and out.

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 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."

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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:	

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TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Charlie Dennis

DATE: 9th July 2018
REPORT OF: Licensing Officer
SUBJECT: Amendment to Hackney Carriage and Private Hire
Licensing Policy Section 5.4
PART I

RECOMMENDATION

That the Regulatory & Appeals Committee is asked to accept the amendment to the Hackney Carriage and Private Hire Licensing Policy with regard to the requirement for vehicle inspections to consider the new MOT requirements that came into force on 20th May 2018.

1. PURPOSE

The report seeks to introduce an amendment to the current policy relating to the standards of the vehicle inspections.

2. BACKGROUND

The way that the MOT test works in England, Scotland and Wales changed on Sunday 20 May 2018 with new defect types, stricter rules for diesel car emissions, and some vehicles over 40 years old becoming exempt. The changes affect cars, vans, motorcycles and other light passenger vehicles.

There are 5 main changes

1. Defects are catergorised differently

The category the MOT tester gives each item will depend on the type of problem and how serious it is. MOT testers will still give advice about items you need to monitor. These are known as 'advisories'.

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What the new categories mean

Item result	What it means about the item	How it affects your MOT result
Dangerous	A direct and immediate risk to road safety or has a serious impact on the environment. Do not drive the vehicle until it's been repaired.	Fail
Major	It may affect the vehicle's safety, put other road users at risk or have an impact on the environment. Repair it immediately.	Fail
Minor	No significant effect on the safety of the vehicle or impact on the environment. Repair as soon as possible.	Pass
Advisory	It could become more serious in the future. Monitor and repair it if necessary.	Pass
Pass	It meets the minimum legal standard. Make sure it continues to meet the standard.	

2. Stricter rules for diesel car emissions

There are stricter limits for emissions from diesel cars with a diesel particulate filter (DPF). A DPF captures and stores exhaust soot to reduce emissions from diesel cars.

3. Some new things are included in the MOT

They include checking:

- if tyres are obviously underinflated
- if the brake fluid has been contaminated
- for fluid leaks posing an environmental risk
- brake pad warning lights and if brake pads or discs are missing
- reversing lights on vehicles first used from 1 September 2009
- headlight washers on vehicles first used from 1 September 2009 (if they have them)
- daytime running lights on vehicles first used from 1 March 2018 (most of these vehicles will have their first MOT in 2021 when they're 3 years old)

4. The old MOT test certificate has changed to a new style to list the new types of defects.

It lists any defects under the new categories, so they're clear and easy to understand.

5. Some vehicles over 40 years old won't need an MOT

The current policy does not make any reference to vehicle inspections meeting the standards of the Ministry of Transport test.

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Teignbridge District Council Hackney Carriage and Private Hire licensing policy Paragraph 5.4 Vehicle Inspections states:

'All vehicles are required to have a vehicle inspection annually within four weeks prior to the expiry of the licence (vehicle plate) or 6 monthly for novelty/specialist vehicles and limousines.

The Council's nominated test centre will test all vehicles and the test will be carried out by personnel qualified to undertake Department of Transport MOT testing.

If a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required by the Motor Vehicles (Construction and Use) Regulations 1978, a stop notice will be issued by an authorised officer. Until such time as the vehicle passes the test, and until such time as the stop notice is lifted the vehicle may not be used for hire and reward.

Where, upon inspection, the licensed vehicle has been found to be defective and requires re-examination to determine its fitness before resumption of use, the cost of that re-examination will be borne by the licence holder.

Any vehicle due for inspection which fails to attend may have its licence suspended and subsequently the licence may be revoked.'

3. MAIN IMPLICATIONS

The Licensing Authority has a statutory duty to ensure that public safety is not compromised when considering the issue of licenses.

4. PROPOSED AMENDMENTS

The relevant section of the hackney carriage and private hire policy are proposed to be amended as follows (amended text highlighted)

If a vehicle fails the test and in the opinion of the examiner would fail to meet the standards required by the Motor Vehicles (Construction and Use) (Amendment) Regulations 2017, a stop notice will be issued by an authorised officer. Until such time as the vehicle passes the test, and until such time as the stop notice is lifted the vehicle may not be used for hire and reward.

The vehicle will fail the inspection test if it does not meet the standards required to pass a Ministry of Transport test.

4. FINANCIAL IMPLICATIONS

The above changes to the policy should not impact resources.

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5. OPTIONS

Members could maintain the current policy, but this would reduce the tester ability to fail a vehicle if the fault is not covered on the existing vehicle inspection sheet.

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) Inspection Sheet