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23 August 2018

## REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Monday, 3rd September, 2018** in the Council Chamber - Forde House at **10.15 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  
Councillor Reg Winsor (Reserve)  
Councillor Martin Wrigley (Reserve)

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 (Pages 1 - 4)
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 - H151 - EY55 OUD (Pages 5 - 8)
7. Application for a Hackney Carriage Vehicle Extension -H152 - LN55 YNM (Pages 9 - 12)

### **Part II (Private)**

**Items which may be taken in the absence of the Public and Press on the grounds that Exempt information may be disclosed.**

8. Exclusion of the Press and Public

**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 Paragraph 7 of Part 1 of Schedule 12A of the Act.**

9. Hackney Carriage/Private Hire Driver Licence (Pages 13 - 138)

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## **REGULATORY & APPEALS COMMITTEE**

**MONDAY, 9 JULY 2018**

Present:

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

Members Attendance:

Councillor Mayne

Apologies:

Councillors Austen and Cook

Officers in Attendance:

Marie Downey, Solicitor

Hayley Carpenter, Licensing Officer

Trish Corns, Democratic Services Officer

### **78. MINUTES**

The Minutes of the meeting held on 11 June were approved as a correct record and signed by the Chairman.

### **79. DECLARATIONS OF INTEREST.**

There were no declarations of Interest.

### **80. APPLICATIONS FOR A HACKNEY CARRIAGE VEHICLE EXTENSION**

Consideration was given to applications to renew and extend a Hackney Carriage Vehicle Licence as set out below. The Committee adjourned to inspect all vehicles the subject of the applications below.

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.

**(a) Vehicle Registration LA02 NRU**

It was noted that the vehicle recently passed an MOT and vehicle inspection test. Issues raised at the inspection test were rectified before it passed the test.

The Applicant's representative was in attendance to support the request. We noted that the fire extinguisher and first aid kit had been removed from the car following the recent valet.

Resolved

Vehicle registration LA02 NRU London TX is approved a 12 month Hackney Carriage Vehicle Licence renewal and extension, in accordance with legislation, subject to a six monthly vehicle inspection test, and the fire extinguisher and first aid kit being returned to the car following the recent valet.

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.

**(b) Vehicle Registration KS57 CJV**

It was noted that the vehicle recently passed an MOT and the advisories have been rectified. The vehicle also passed its vehicle inspection test and new lights to rectify the advisories having been ordered to replace the existing.

The Applicant was in attendance to support the request.

Resolved

Vehicle registration KS57 CJV 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.

**(c) Vehicle Registration KB07 TZC**

It was noted that the vehicle recently passed an MOT and all but two advisories had been rectified. The remaining advisories would be addressed. The vehicle also passed its vehicle inspection test following the replacement of a windscreen wiper.

The Applicant was in attendance to support the request.

Resolved

Vehicle registration KB07 TZC 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.

**(d) Vehicle Registration PY05 KFJ**

We note that the vehicle recently passed an MOT and vehicle inspection test with no advisories.

We inspected the vehicle and the Applicant's representative was in attendance to support the request.

Resolved

Vehicle registration PY05 KFJ 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.

**(e) Vehicle Registration GY05 AWC**

It was noted that the vehicle recently passed an MOT and vehicle inspection test with no advisories.

The Applicant's representative was in attendance to support the request.

Resolved

Vehicle registration GY05 AWC 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.

**81. AMENDMENT TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

The Licensing Officer referred to the report circulated with the agenda. The report sought approval of amendments 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 20 May 2018. The proposed changes to the Policy were detailed at paragraph 4 of the report.

Resolved

That the proposed amendments to the Hackney Carriage and Private Hire Licensing Policy as set out in the report circulated with the agenda be approved.

CHARLIE DENNIS  
Chairman



TEIGNBRIDGE DISTRICT COUNCIL

**REGULATORY & APPEALS COMMITTEE**

**CHAIRMAN:** Cllr Charlie Dennis

**DATE:** 3 September 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 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 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** – The vehicle, a Volkswagen Sharan, registration EY55 OUD, the applicant wishes the Committee to consider, was first registered on 1<sup>st</sup> September 2005 will be 13 years old, if granted. The current Hackney Carriage licence expires on 24<sup>th</sup> September 2018.

The current MOT expires 7<sup>th</sup> July 2019 and had no advisories

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 the interior was in a good, clean condition. The fabric on the doors is bobbling. Externally in good condition. Wheels, centre caps need replacing and alloys need cleaning. Nearside wing mirror has a slight graze. A couple of minor dents/scrapes on rear passenger door.

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 is required to be under ten years old with the exception of purpose built cabs.' However, the Committee decided that 'the Council had discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the

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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**

<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>	

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TEIGNBRIDGE DISTRICT COUNCIL

**REGULATORY & APPEALS COMMITTEE**

**CHAIRMAN:** Cllr Charlie Dennis

**DATE:** 3 September 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 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'.*

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*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:

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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 LN55 YNM, the applicant wishes the Committee to consider, was first registered on 1<sup>st</sup> September 2005 will be 13 years old, if granted. The current Hackney Carriage licence expires on 24<sup>th</sup> September 2018.

The current MOT expires 28<sup>th</sup> July 2019 and had 4 advisories.

- Offside front brake hose slightly chafed.
- Engine oil leak
- Offside front brake worn, pitted or scored but not seriously weakened
- Nearside rear tyre worn close to legal limit

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 interior is in a clean and good condition, fabric door trims bobbling. Stone chips to the bonnet, front headlights covers slightly dull and scuff to nearside wing mirror case. Wheels, new centre caps required and recommend that alloys are replaced.

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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With regard to subsequent licensing, the Committee decided that ‘a vehicle is required to be under ten years old with the exception of purpose built cabs.’ However, the Committee decided that ‘the Council had 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.’*

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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
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**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>	Relevant legislation and Hackney Carriage and Private Hire Regulations 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>	

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