

Forde House
Newton Abbot
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19 October 2018

REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Monday, 29th October, 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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- 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 - 6)
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. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC

It is considered unlikely that the Committee would wish to exclude the press and public during consideration of the items on this agenda. If, however, the Committee were to exclude the press and public, a resolution in the following form should be passed:

"RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the particular item(s) on the grounds that it (they) involve the likely disclosure of exempt information as defined in paragraph(s) of Part I of Schedule 12A of the Act."

7. Application for a Hackney Carriage Vehicle Extension (Pages 7 - 16)
8. Application for a Hackney Carriage Vehicle Extensions (Pages 17 - 36)
9. Tree Preservation Order 2018 - E2/29/92 (Pages 37 - 54)

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, 1 OCTOBER 2018

Present:

Councillors Dennis (Chairman), Austen, Evans, Prowse, Winsor (Reserve) and Wrigley (Reserve)

Members Attendance:

Councillor Mayne (observer)

Apologies:

Councillor Hockin

Officers in Attendance:

Marie Downey, Solicitor (items 167 - 171)

Justin Price-Jones, Solicitor

Hayley Carpenter, Licensing Officer

Sharon Sissons, Democratic Services Officer (Exeter City Council)

PC Mark Hogan and PC Chris Armes (for item 172)

167. MINUTES

The Minutes of the meeting held on 3 September 2018 were approved as a correct record and signed by the Chairman.

168. DECLARATIONS OF INTEREST

There were no declarations of interest.

169. APPLICATION FOR A PRIVATE HIRE VEHICLE EXTENSION

Consideration was given to an application to renew and extend a Private Hire Vehicle Licence, as set out in the report. The Committee adjourned to inspect the vehicle.

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 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.

The Applicant was in attendance and addressed the Committee to support the application.

It was noted that the vehicle, a Ford Tourneo, Vehicle Registration LV56 LWE had a current MOT and an advisory has been rectified. It was also noted that the current Private Hire Licence was due to expire on 31 October 2018 and not as stated in the report. The vehicle had been the subject of an inspection test and the vehicle met the required standard.

The Committee complimented the applicant on the excellent condition of the interior and exterior of the vehicle.

Resolved

Vehicle registration LV56 LWE is approved a 12 month Private Hire 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 was satisfied with the general standard of the vehicle, the state of repair and the condition of the vehicle. Therefore it was considered the vehicle was fit for use for the general public and paying customers.

170. APPLICATION FOR HACKNEY CARRIAGE VEHICLE EXTENSION

Consideration was given to an application to renew and extend a Hackney Carriage Vehicle Licence, as set out in the report. The Committee adjourned to inspect the vehicle.

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 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.

The Applicant was in attendance and addressed the Committee to support the application.

It was noted that the vehicle, a Ford Mondeo, Vehicle Registration MW56 FYE, had a current MOT, and had no advisories. The vehicle has also been the subject of an inspection test and the vehicle met the required standard. The Applicant confirmed that in addition, the seats has been appropriately cleaned and treated.

Resolved

Vehicle registration MW56 FYE 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 was satisfied with the general standard of the vehicle, the state of repair and the condition of the vehicle. Therefore it was considered the vehicle was fit for use for the general public and paying customers.

171. REQUEST TO LICENCE AN APPLICANT THAT DOES NOT MEET THE AGE POLICY

Consideration was given to a request for the Committee to exercise its discretion to depart from the Council's Hackney Carriage and Private Hire Policy, to grant a Private Hire Driver's Licence for an applicant who did not meet the age criteria. The Council's Hackney Carriage and Private Hire Policy included a stipulation that drivers were required to be over the age of 21 years. The applicant would be 21 years old in October 2019 and had held a clean driving licence for two years and four months.

The Licensing Officer advised that legislation did permit the Licensing Authority to grant, if minded to do so, a discretionary condition, so as to allow or the removal of the age restriction of 21 years for a Private Hire Driver applicant provided that Section 50 of the Local Government (Miscellaneous Provisions) Act 1976 was adhered to which was 'that a person must have been authorised to drive a motor car for at least 12 months before the date of the application'. The Applicant complied with that requirement, and would still have to undergo the appropriate medical and Disclosure and Barring Service (DBS) check to ensure they were a fit and proper person to hold the Licence.

The Applicant's representative explained that the Applicant was unable to attend at the meeting, but as a representative of his employer he was able to address the Committee to support the application on his behalf. He explained the applicant's duties, nature of the work and rural location, which included a chauffeur service to transport guests of a luxury hotel. The applicant's role of the Private Hire Driver was specific to the applicant's place of work.

The Committee adjourned to deliberate the application.

Resolved

The application was granted, for a Private Hire Driver's Licence for a period of 12 months on the condition that the applicant's Private Hire Driving Licence was only valid, whilst they remained in their current employment and drove the vehicles owned by the hotel in the course of their duties. Furthermore, should the Applicant leave his current employment, the Private Hire Driver Licence would have to be surrendered.

Reason for Decision

Having read all written material, and listened to the representations by the Licensing Officer and the Applicant's representative and description of the business and the work that it entailed, the Committee agreed to remove the age restriction of 21 years of age in respect of this Applicant for a period of 12 months.

172. 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 of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A of the Act.

173. APPEAL AGAINST THE DECISION TO REFUSE A RENEWAL OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE

The Chairman welcomed all those present and introduced the Committee.

The Solicitor set out the procedure for the Hearing. The Licensing Officer also introduced a report which detailed an appeal against the decision to refuse a renewal of a Hackney Carriage/Private Hire Drivers' Licence. The Committee carefully considered the report and the associated appendices together with the oral evidence provided at the Hearing.

The Applicant was also in attendance in support of the appeal.

After considering all written and verbal representations the Committee adjourned to consider its decision.

Upon reconvening it was

Resolved

That the application in respect of a Hackney Carriage/Private Hire Licence be refused, as the Applicant was deemed not to be a fit a proper person.

Reason for the Decision

The Committee considered the evidence and unanimously decided there were no grounds to grant a Hackney Carriage/Private Hire Licence to the Applicant and no grounds to uphold the appeal.

Chairman

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TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Charlie Dennis

DATE: 29 October 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 Toyota Avensis, registration FL56 ETK, the applicant wishes the Committee to consider, was first registered on 13th October 2006 will be 12 years old, if granted. The current Hackney Carriage licence expires on 31st October 2018.

The current MOT expires 28th September 2019 with no advisories (Appendix B)

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 fair condition.

Observations that the applicant is going to address

- Seats stained front and rear
- Gator cuff worn
- Dent on nearside rear door
- Scuffs to nearside and offside edges of rear bumper
- Scuffs to offside rear wheel arch
- Driver seat worn needs repairing or a cover
- Offside front headlight casing dull
- Scuff to nearside front bumper

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 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.'

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 B) MOT

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Check MOT history (<https://www.gov.uk/check-mot-history>)

FL56ETK

TOYOTA AVENSIS

Colour

Black

Fuel type

Diesel

Date registered

13 October 2006

MOT valid until

28 September 2019

MOT history

Check mileage recorded at test, MOT expiry date, defects and advisories

Date tested

24 September 2018

PASS

Mileage

337,872 miles

Test location

MOT test number

9028 2989 3239

Expiry date

28 September 2019

Date tested

24 September 2018

FAIL

Mileage

337,870 miles

Test location

MOT test number

3757 3177 6297

Do not drive until repaired (dangerous defects):

- **Front Brake pad(s) less than 1.5 mm thick (1.1.13 (a) (ii))**

Repair immediately (major defects):

- **Nearside Headlamp not working on dipped beam (4.1.1 (a) (ii))**
- **Offside Rear Position lamp not working (4.2.1 (a))**
- **Offside Front Shock absorbers has a serious fluid leak (5.3.2 (b))**

- Offside Front Anti-roll bar linkage ball joint dust cover no longer prevents the ingress of dirt (5.3.4 (b) (ii))
- Offside Front Inner Steering linkage ball joint has excessive play on rack (2.1.3 (b) (i))

The MOT test changed on 20 May 2018

Defects are now categorised according to their severity – dangerous, major, and minor.

Date tested
29 September 2017

Mileage
293,066 miles

MOT test number
5435 3266 6226

PASS

Test location

Expiry date
28 September 2018

Advisory notice item(s)

- Front brake disc worn, pitted or scored, but not seriously weakened (3.5.1i)
- Nearside Front Tyre worn close to the legal limit on 2.5mm (4.1.E.1)
- Offside Front Tyre worn close to the legal limit on 2.5mm (4.1.E.1)
- Nearside Front anti roll bar link bent
- Oil leak ()

Date tested
26 September 2016

Mileage
249,432 miles

MOT test number
9478 3811 3484

PASS

Test location

Expiry date
25 September 2017

Date tested
26 September 2016

Mileage
249,432 miles

MOT test number
7232 9284 4890

FAIL

Test location

Reason(s) for failure

- Offside Front position lamp(s) not working (1.1.A.3b)

- Windscreen washer provides insufficient washer liquid (8.2.3)
- Windscreen wiper does not clear the windscreen effectively (8.2.2)

Date tested
12 October 2015

PASS

Mileage
207,284 miles

Test location

MOT test number
8168 4404 3653

Expiry date
2 November 2016

Date tested
3 November 2014

PASS

Mileage
165,163 miles

Test location

MOT test number
6572 7760 4345

Expiry date
2 November 2015

Advisory notice item(s)

- Offside Front Tyre worn close to the legal limit (4.1.E.1)
- cambelt history
- Under-trays fitted obscuring some underside components
- Engine covers fitted obscuring some components in the engine bay
- Vehicle's internal headlight adjuster altered to recheck lights
- rear handbrake cable casings chafed

Date tested
22 October 2014

FAIL

Mileage
164,381 miles

Test location

MOT test number
3374 9579 4243

Reason(s) for failure

- Offside Registration plate lamp not working (1.1.C.1d)
- Nearside Rear Rear position lamp(s) not working (1.1.A.3b)
- Nearside Front Suspension arm rubber bush deteriorated resulting in excessive movement (2.4.G.2) Dangerous

- Nearside Rear Tyre tread depth below requirements of 1.6mm (4.1.E.1)
- Offside Rear Tyre tread depth below requirements of 1.6mm (4.1.E.1)
- Brakes imbalanced across an axle (3.7.B.5b)

Advisory notice item(s)

- Offside Front Tyre worn close to the legal limit (4.1.E.1)
- Parking brake lever has little reserve travel (3.1.6b)
- Rear Brake pad(s) wearing thin (3.5.1g)
- cambelt history
- Under-trays fitted obscuring some underside components
- Engine covers fitted obscuring some components in the engine bay
- Vehicle's internal headlight adjuster altered to recheck lights
- rear handbrake cable casings chafed

Date tested
22 October 2013

Mileage
129,064 miles

MOT test number
5894 6599 3251

PASS

Test location

Expiry date
29 October 2014

Advisory notice item(s)

- Under-trays fitted obscuring some underside components
- Engine covers fitted obscuring some components in the engine bay
- Vehicle's internal headlight adjuster altered to recheck lights

Date tested
22 October 2013

Mileage
129,064 miles

MOT test number
6390 7559 3276

FAIL

Test location

Reason(s) for failure

- Registration plate lamp not working (1.1.C.1d)

- Offside Front position lamp(s) not working (1.1.A.3b)
- Rear Brake pad(s) less than 1.5 mm thick (3.5.1g)
- Nearside Headlamp aim too high (1.8)
- Offside Headlamp aim too high (1.8)

Advisory notice item(s)

- oil level on minimum
- Under-trays fitted obscuring some underside components
- Engine covers fitted obscuring some components in the engine bay
- Vehicle's internal headlight adjuster altered to recheck lights

Date tested
24 October 2012

PASS

Mileage
110,396 miles

Test location

MOT test number
2665 0869 2222

Expiry date
29 October 2013

Advisory notice item(s)

- Play in steering rack inner joint(s)

Date tested
23 October 2012

FAIL

Mileage
110,333 miles

Test location

MOT test number
9161 8719 2242

Reason(s) for failure

- Nearside Headlamp insecure (1.7.3)

Advisory notice item(s)

- Play in steering rack inner joint(s)

Date tested
19 October 2011

PASS

Mileage
83,880 miles

Test location

MOT test number
6199 3249 1237

Expiry date
29 October 2012

Date tested
18 October 2011

Mileage
83,879 miles

MOT test number
1253 8149 1220

FAIL

Test location

Reason(s) for failure

- **Nearside Front Lower Ball joint has excessive play (2.2.B.1f)**

Advisory notice item(s)

- **Nail in offside rear tyre**

Date tested
6 October 2010Mileage
67,171 milesMOT test number
2213 6947 0228**PASS**

Test location

Expiry date
29 October 2011

Advisory notice item(s)

- **Inner Front Brake pad(s) wearing thin (3.5.1g)**
- **Nearside Front Shock absorber has a slightly reduced damping effect (2.7.5)**
- **Nearside Front Shock absorber has a light misting of oil (2.7.3)**

Date tested
26 October 2009Mileage
54,503 milesMOT test number
9431 1949 9221**FAIL**

Test location

Reason(s) for failure

- **Offside Front position lamp(s) not working (1.1.A.3b)**

Date tested
26 October 2009Mileage
54,503 milesMOT test number
2946 9939 9262**PASS**

Test location

Expiry date
29 October 2010Date tested
30 October 2008Mileage
24,585 milesMOT test number
4121 4490 8463**PASS**

Test location

Expiry date
29 October 2009

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Charlie Dennis

DATE: 29 October 2018
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 requests.

1. PURPOSE

The Committee is asked to consider two requests 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:

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'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 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 Vauxhall Vivaro, registration FD08 AWH, the applicant wishes the Committee to consider, was first registered on 20th May 2008 will be 10 years and 6 months old, if granted. The current Hackney Carriage licence expires on 20th November 2018.

The current MOT expires 6th October 2019 and had no advisories (Appendix B)

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 is in very good condition and the exterior is in good condition. Observations that the applicant is going to address.

- Drivers' seat cover worn, needs a cover or repair.
- Rear bumper damaged in two places.
- Rear windscreen wiper needs painting or replacing.
- Front bumper damaged on nearside

Request B - The vehicle, a Seat Alhambra, registration WF08 LJE, the applicant wishes the Committee to consider, was first registered on 3rd April 2008 will be 10 years and 7 months old, if granted. The current Hackney Carriage licence expires on 29th November 2018.

The current MOT expires 22nd November 2018 and had 5 advisories. The brakes and suspension advisories have been resolved. Windscreen has damage to an area less than 40mm circle outside the zone A (Appendix C)

TEIGNBRIDGE DISTRICT COUNCIL

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 is in excellent condition and the exterior is in very good condition. Observations that the applicant is going to address.

- Scuffed nearside wing mirror
- Scuffed arch rear offside
- Couple of chips on bumper

It has been requested that the vehicles 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 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.

TEIGNBRIDGE DISTRICT COUNCIL

5. OPTIONS

- a. Grant the requests, with or without the condition set out in c. below
- b. Refuse the requests.
- c. If the Committee resolve to license the vehicles, 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 B) MOT Vivaro C) MOT Alhambra



Check MOT history (<https://www.gov.uk/check-mot-history>)

FD08AWH

VAUXHALL VIVARO

Colour

Silver

Fuel type

Diesel

Date registered

20 May 2008

MOT valid until

6 October 2019

MOT history

Check mileage recorded at test, MOT expiry date, defects and advisories

Date tested

2 October 2018

Mileage

280,329 miles

MOT test number

2002 6995 7622

PASS

Test location

Expiry date

6 October 2019

The MOT test changed on 20 May 2018

Defects are now categorised according to their severity – dangerous, major, and minor.

Date tested

28 September 2017

Mileage

260,620 miles

MOT test number

9700 4328 7736

PASS

Test location

Expiry date

6 October 2018

Advisory notice item(s)

- Oil leak
- Nearside Front Macpherson strut has slight movement at the upper attachment (2.5.A.1c)
- Wipers deteriorated

- NSR tyre wearing on edge
- Nail in OSR tyre on the inner edge

Date tested
30 September 2016

PASS

Mileage
238,406 miles

MOT test number
4371 3809 3743

Test location

Expiry date
6 October 2017

Advisory notice item(s)

- **Nearside Front Shock absorber has a light misting of oil (2.7.3)**

Date tested
29 September 2016

FAIL

Mileage
238,402 miles

MOT test number
7663 8871 8479

Test location

Reason(s) for failure

- **Nearside Front Front position lamp(s) not working (1.1.A.3b)**
- **Registration plate lamp not working (1.1.C.1d)**
- **Nearside Front Headlamp aim too low (1.8)**
- **Offside Front Headlamp aim too low (1.8)**
- **Nearside Windscreen washer provides insufficient washer liquid (8.2.3)**
- **Nearside Front Anti-roll bar linkage has excessive play in a pin/bush drop link (2.4.G.2)**
- **Offside Front Anti-roll bar linkage has excessive play in a pin/bush drop link (2.4.G.2)**
- **Offside Front Front suspension has excessive play in a lower suspension ball joint (2.5.B.1a)**
Dangerous
- **Nearside Front Front suspension has excessive play in a lower suspension ball joint (2.5.B.1a)**
- **Nearside Front Inner Front constant velocity joint gaiter damaged to the extent that it no longer prevents the ingress of dirt etc (2.5.C.1a)**
- **Nearside Front Sub-frame rubber bush deteriorated resulting in excessive movement rear bush (2.4.G.2)**

- **Offside Front Sub-frame rubber bush deteriorated resulting in excessive movement rear bush (2.4.G.2)**

Advisory notice item(s)

- **Nearside Front Shock absorber has a light misting of oil (2.7.3)**

Date tested
6 October 2015

PASS

Mileage
216,250 miles

Test location

MOT test number
8599 3440 7296

Expiry date
6 October 2016

Advisory notice item(s)

- **Offside Outer Seat belt damaged but webbing not significantly weakened centre row of seats (5.2.2a)**
- **Nearside Front Tyre worn close to the legal limit 205/65r16c (4.1.E.1)**

Date tested
29 September 2015

FAIL

Mileage
215,764 miles

Test location

MOT test number
6004 6493 4031

Reason(s) for failure

- **Nearside Outer Seat belt damaged sufficient to significantly weakened the webbing centre row of seats (5.2.2a)**
- **Nearside Track rod end ball joint has excessive play (2.2.B.1f)**
- **Nearside Upper Anti-roll bar linkage ball joint dust cover excessively damaged so that it no longer prevents the ingress of dirt (2.4.G.2)**
- **Offside Upper Anti-roll bar linkage ball joint dust cover excessively damaged so that it no longer prevents the ingress of dirt (2.4.G.2)**

Advisory notice item(s)

- **Offside Outer Seat belt damaged but webbing not significantly weakened centre row of seats (5.2.2a)**

- **Nearside Front Tyre worn close to the legal limit 205/65r16c (4.1.E.1)**

Date tested
1 October 2014

PASS

Mileage
186,834 miles

MOT test number
1899 7497 4226

Test location

Expiry date
6 October 2015

Advisory notice item(s)

- **Nearside Outer Rear Seat belt damaged but webbing not significantly weakened (5.2.2a)**
- **Nearside Front Tyre worn close to the legal limit (4.1.E.1)**
- **advise : nearside door mirror glass missing, other obligatory mirrors present.**
- **Oil leak**
- **advise : no diesel smoke level recorded.**

Date tested
1 October 2014

FAIL

Mileage
186,834 miles

MOT test number
9063 9497 4287

Test location

Reason(s) for failure

- **Offside Stop lamp not working (1.2.1b)**
- **Nearside Front position lamp(s) not working (1.1.A.3b)**

Advisory notice item(s)

- **Nearside Outer Rear Seat belt damaged but webbing not significantly weakened (5.2.2a)**
- **Nearside Front Tyre worn close to the legal limit (4.1.E.1)**
- **advise : nearside door mirror glass missing, other obligatory mirrors present.**
- **Oil leak**
- **advise : no diesel smoke level recorded.**

Date tested
5 October 2013

PASS

Mileage
149,681 miles

MOT test number
5263 9837 3273

Test location

Expiry date

6 October 2014

Advisory notice item(s)

- **Front Brake pad(s) wearing thin (3.5.1g)**
- **Offside Outer Rear Seat belt damaged but webbing not significantly weakened (5.2.2a)**
- **Nearside Outer Rear Seat belt damaged but webbing not significantly weakened (5.2.2a)**
- **advise : area around fuel sender cap / seal damp.**
- **Engine covers fitted obscuring some components in the engine bay**

Date tested
5 October 2013

Mileage
149,679 miles

MOT test number
6453 8857 3276

FAIL

Test location

Reason(s) for failure

- **Offside Track rod end ball joint has excessive play (2.2.B.1f)**
- **Offside Steering rack insecure (2.2.B.1a)**
- **Nearside Rear Tyre tread depth below requirements of 1.6mm (4.1.E.1)**

Date tested
28 September 2012

Mileage
89,170 miles

MOT test number
5754 9227 2212

PASS

Test location

Expiry date
6 October 2013

Advisory notice item(s)

- **Play in steering rack inner joint(s)**

Date tested
27 September 2012

Mileage
88,764 miles

MOT test number
8076 4187 2227

FAIL

Test location

Reason(s) for failure

- **Nearside Front position lamp(s) not working (1.1.A.3b)**

- Offside Front position lamp(s) not working (1.1.A.3b)
- Offside Headlamp not working on dipped beam (1.7.5a)
- Registration plate lamp not working (1.1.C.1d)
- Nearside Rear Brake pad(s) less than 1.5 mm thick (3.5.1g)
- Brakes imbalanced across an axle (3.7.B.5b)

Date tested
7 October 2011

PASS

Mileage
58,887 miles

Test location

MOT test number
1887 8098 1288

Expiry date
6 October 2012

Advisory notice item(s)

- **there is slight play in the steering rack, but it is not considered excessive**

Date tested
5 October 2011

FAIL

Mileage
58,742 miles

Test location

MOT test number
8897 1867 1223

Reason(s) for failure

- **Registration plate lamp not working (1.1.C.1d)**
- **Offside Inner Track rod end ball joint has excessive play (2.2.B.1f)**
- **Windscreen has a sticker or other obstruction encroaching into the swept area by more than 40mm outside zone 'A' (8.3.1e)**

Date tested
5 October 2010

PASS

Mileage
35,074 miles

Test location

MOT test number
3746 7827 0235

Expiry date
6 October 2011

Advisory notice item(s)

- **rear brake discs slightly worn**

Date tested

Mileage

26

MOT test number

5 October 2010

35,074 miles

4204 9817 0212

FAIL

Test location

Reason(s) for failure

- **Offside Front Brake hose twisted (found during steering lock to lock check) (2.2.D.2b)**
- **Nearside Windscreen wiper does not clear the windscreen effectively (8.2.2)**
- **Offside Windscreen wiper does not clear the windscreen effectively (8.2.2)**

Advisory notice item(s)

- **rear brake discs slightly worn**

Date tested

7 October 2009

PASS

Mileage

12,775 miles

Test location

MOT test number

6138 1018 9230

Expiry date

6 October 2010

Advisory notice item(s)

- **Cuts in N/S/F tyre wall**

Outstanding vehicle recalls

Check if VAUXHALL VIVARO FD08AWH has outstanding recalls



Check MOT history (<https://www.gov.uk/check-mot-history>)

WF08LJE

SEAT ALHAMBRA

Colour

Red

Fuel type

Diesel

Date registered

3 April 2008

MOT valid until

22 November 2018

MOT history

Check mileage recorded at test, MOT expiry date, defects and advisories

The MOT test changed on 20 May 2018

Defects are now categorised according to their severity – dangerous, major, and minor.

Date tested

31 October 2017

PASS

Mileage

215,532 miles

Test location

MOT test number

7402 6336 3413

Expiry date

22 November 2018

Advisory notice item(s)

- **Front brake disc worn, pitted or scored, but not seriously weakened (3.5.1i)**
- **Offside Front Brake hose slightly deteriorated (3.6.B.4d)**
- **Nearside Front Brake hose slightly deteriorated (3.6.B.4d)**
- **Offside Front Macpherson strut has slight movement at the upper attachment (2.5.A.1c)**
- **Windscreen has damage to an area less than a 40mm circle outside zone 'A' (8.3.1d)**

Date tested
31 October 2017

FAIL

Mileage
215,532 miles

MOT test number
7319 5468 2061

Test location

Reason(s) for failure

- **Offside Front brake caliper securing device missing (3.5.1j)**

Advisory notice item(s)

- **Front brake disc worn, pitted or scored, but not seriously weakened (3.5.1i)**
- **Offside Front Brake hose slightly deteriorated (3.6.B.4d)**
- **Nearside Front Brake hose slightly deteriorated (3.6.B.4d)**
- **Offside Front Macpherson strut has slight movement at the upper attachment (2.5.A.1c)**
- **Windscreen has damage to an area less than a 40mm circle outside zone 'A' (8.3.1d)**

Date tested
23 November 2016

PASS

Mileage
185,470 miles

MOT test number
5202 7514 0800

Test location

Expiry date
22 November 2017

Advisory notice item(s)

- **Nearside Front Tyre worn close to the legal limit (4.1.E.1)**
- **Offside Front Tyre worn close to the legal limit (4.1.E.1)**

Date tested
18 November 2016

FAIL

Mileage
184,771 miles

MOT test number
3486 8560 8378

Test location

Reason(s) for failure

- **Nearside Front Macpherson strut has excessive movement at the upper attachment (2.5.A.1c)**
- **Offside Front Macpherson strut has excessive movement at the upper attachment (2.5.A.1c)**

- Nearside Front Suspension arm has excessive play in a pin/bush rear bush (2.4.G.2)
- Offside Front Suspension arm has excessive play in a pin/bush rear bush (2.4.G.2)

Advisory notice item(s)

- Nearside Front Tyre worn close to the legal limit (4.1.E.1)
- Offside Front Tyre worn close to the legal limit (4.1.E.1)
- Oil leak ()
- Offside Front Seat belt stitching slightly frayed driver (5.2.2b)

Date tested
18 November 2015

PASS

Mileage
171,566 miles

Test location

MOT test number
1165 8093 5802

Expiry date
18 November 2016

Date tested
17 November 2015

FAIL

Mileage
171,566 miles

Test location

MOT test number
4690 1030 9332

Reason(s) for failure

- Offside Front position lamp(s) not working (1.1.A.3b)
- Anti-lock braking system warning lamp indicates an ABS fault (3.4.1c)
- Nearside Front Shock absorber has an excessively worn bush (2.7.4)
- Offside Front Shock absorber has an excessively worn bush (2.7.4)

Advisory notice item(s)

- Nearside Rear Tyre worn close to the legal limit (4.1.E.1)
- Offside Rear Tyre worn close to the legal limit (4.1.E.1)

Date tested
19 November 2014

Mileage
135,399 miles

MOT test number
1890 7322 4325

PASS

Test location

Expiry date

18 November 2015

Advisory notice item(s)

- **Nearside Front Drag link end ball joint has slight play (2.2.B.1f)**
- **Nearside Front Brake hose slightly deteriorated (3.6.B.4d)**
- **Offside Front Brake hose slightly deteriorated (3.6.B.4d)**

Date tested

18 November 2014

Mileage

135,399 miles

MOT test number

9095 3292 4328**FAIL**

Test location

Reason(s) for failure

- **Nearside Front passengers seat insecure (6.2.A.1)**
- **Nearside Front Macpherson strut has excessive movement at the upper attachment (2.5.A.1c)**
- **Nearside Front Anti-roll bar ball joint dust cover excessively damaged so that it no longer prevents the ingress of dirt (2.4.G.2)**
- **Offside Front Track rod end ball joint has excessive play (2.2.B.1f)**
- **Nearside Rear Lower Anti-roll bar has excessive play in a pin/bush (2.4.G.2)**
- **Offside Rear Lower Anti-roll bar has excessive play in a pin/bush (2.4.G.2)**
- **Offside Rear Upper Anti-roll bar has excessive play in a pin/bush (2.4.G.2)**

Advisory notice item(s)

- **Offside Front Macpherson strut has slight movement at the upper attachment (2.5.A.1c)**
- **Nearside Front Drag link end ball joint has slight play (2.2.B.1f)**
- **Nearside Front Brake hose slightly deteriorated (3.6.B.4d)**
- **Offside Front Brake hose slightly deteriorated (3.6.B.4d)**
- **rear seats folded down at time of test**

Date tested
18 November 2013

PASS

Mileage
97,578 miles

Test location

MOT test number
3750 1212 3396

Expiry date
18 November 2014

Date tested
19 November 2012

PASS

Mileage
63,664 miles

Test location

MOT test number
6256 7442 2352

Expiry date
18 November 2013

Date tested
19 November 2012

FAIL

Mileage
63,664 miles

Test location

MOT test number
8653 7402 2388

Reason(s) for failure

- **Offside Front Tyre tread depth below requirements of 1.6mm (4.1.E.1)**

Advisory notice item(s)

- **n/s/f tyre worn.**

Date tested
8 February 2012

PASS

Mileage
53,524 miles

Test location

MOT test number
5283 5933 2019

Expiry date
16 February 2013

Advisory notice item(s)

- **n/s mirror missing**

Date tested
8 February 2012

FAIL

Mileage
53,524 miles

Test location

MOT test number
5265 0933 2074

Reason(s) for failure

- **Offside Front position lamp(s) not working (1.1.A.3b)**

Advisory notice item(s)

- n/s mirror missing

Date tested
17 February 2011

PASS

Mileage
38,993 miles

Test location

MOT test number
9673 7804 1072

Expiry date
16 February 2012

Outstanding vehicle recalls

Check if SEAT ALHAMBRA WF08LJE has outstanding recalls

For. 29th October.

From: [REDACTED]
Sent: 06 September 2018 01:52
To: Ext Mail: Licensing
Subject: Plate Extensions for H169 and H561

Good Morning Licensing,

Please find below a request on extension's for vehicle plate H169 - Registration FD08 AWH and H561 - Registration WF08 LJE.

In recent months TQ12 Travel have set up in Newton Abbot as the Newest, Most Liked, Reliable and Punctual Taxi Company.

TQ12 Travel started trading with one vehicle but soon needed to grow quickly due to the impact of work we was collecting.

We heard of two vehicles for sale to which they was already a plated vehicle in Teignbridge working as a taxi.

H169 - Is a 8 seater, We have turned this vehicle around, when we picked it up the seats was filthy, the vehicle was in a much needed state of repair and should of never ever been on the road as a taxi to which it was. Before we put it on the road we spent over a £1,000 which included, Body Work, Full Brakes, Tyres, and Servicing.

The vehicle is now up and running as a tidy, clean 8 seater which is used for local work and Airport Transfers, to go out and buy a vehicle like this in current ages we would be talking about £12,500 plus, to which TQ12, myself or business partner didn't have, so we took the vehicle on knowing it needed to have maintenance and love and attention to it.

Our customers love the vehicle, it is always kept clean, tidy and hoovered inside.

We wish to extend this plate on the vehicle for another 12 months, any repair or detail to attention will be sorted as advised by the council.

At this moment in time, we use this vehicle every day as a main vehicle, to run local or far the vehicle will do it with out any issues.

We would love to be running a new 9 seater but currently do not have the funds to go and purchase one which is why we have to stick with the Vivaro we have got.

H561 - Is a 6 Seater, We have purchased this vehicle from another existing taxi firm. From what i can tell from the service history of the vehicle was it was a ex taxi drivers who then sold it to Dolbears Garage and then this was sold to Frost Fleets, to which a month or so ago i purchased and am using as a daily vehicle.

The vehicle is clean, tidy and runs really well, to which extent i wish i purchased this before buying my other vehicle a Mercedes!

The Seat Alhambra is used on a daily basis and has been on Airport Transfers on recent days to Heathrow and Gatwick

In actual fact i took this vehicle on a Airport Run with a member of the family from Teignbridge Council and they even commented what a clean and comftable it was.

To replace a 6 seater that is to the same of this size, nothing like a zafira where you scrunch up in the back but something with good space we are talking about £10,000.

To which again with the 9 seater that is due for extension we need to keep the 6 seater for another 12 months.

I hope we can get both vehicles through another 12 months plate.

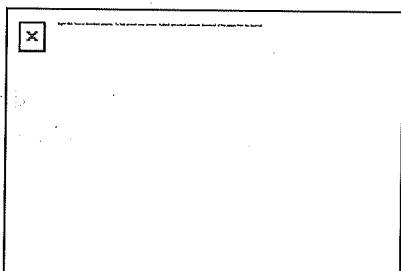
Please can you advise me when we can bring both vehicles to the council to be inspected by Hayley when possible

--

Many Thanks

~~Scott Winter~~

Co Owner



TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Charlie Dennis

DATE: 29 October 2018

REPORT OF: Arboricultural Officer

SUBJECT: The District of Teignbridge (6 Millin Way) Tree Preservation Order 2018
E2/29/92

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve that:

The District of Teignbridge (6 Millin Way) Tree Preservation Order 2018 is confirmed unmodified.

1. PURPOSE

The District of Teignbridge (6 Millin Way) Tree Preservation Order 2018 protects two oak trees located within the garden of 6 Millin Way, Dawlish Warren

The Tree Preservation Order (TPO) was served on 15 May 2018. The provisional protection will cease on 15 November 2018, if it is not confirmed.

2. BACKGROUND

The Tree Preservation Order was made following the submission of planning application 18/00749/FUL. The proposal would have had a significant adverse effect upon the two oak trees located on or adjacent to the eastern boundary of the site.

The above application was withdrawn on 7 June 2018, via an email that stated the application was to be re-submitted with amended designs, tree survey and landscaping scheme to hopefully alleviate the concerns currently facing the project.

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.

TEIGNBRIDGE DISTRICT COUNCIL

“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”.

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.

While the trees have been substantially pruned in the past and do not have a traditional form, the trees are highly visible and contribute to the visual amenity of the area. The loss of the trees would have a detrimental impact upon the visual amenity of the area.

The trees have an amenity rating of 16. The suitable benchmark rating for inclusion within a tree preservation order is 15.

Owing to the importance of the trees within the local landscape, The District of Teignbridge (6 Millin Way) Tree Preservation Order 2018 was made and served on 15 May 2018.

One letter of objection has been received from the owner of the trees

The objection can be summarised as follows:

- I cannot possibly see how anyone can consider this tree to be worthy of protection. The crown has been cut off at 2.6m above the ground.
- I do feel that T2 is a danger to life and property now that you have brought it to my attention again. I think it should be felled immediately.
- I have spoken to you many times and written to you and you visited the property about the trees within the last 4 years. You informed me that they were of no value and I could do what I liked with them.
- Over the last 4 years I have complained to you many times about people cutting trees down within a 600m radius of Millin Way, and in that time we have lost 32 mature trees, and over 200 younger trees have been permanently damaged by the chainsaw. You would not do anything to stop this. What is the difference now?

Officer Comment:

- While the trees have been substantially pruned in the past and do not have a traditional form, the trees are highly visible and contribute to the visual amenity of the area.

TEIGNBRIDGE DISTRICT COUNCIL

- No information has been provide by a suitably qualified arboriculturalist that indicates the trees are unstable or in dangerous condition.
- The Council's Arboricultural Officer has no recollection of visiting the trees and informing the owner he could "could do what I liked with them", or being contacted regarding the loss and damage of the 232 trees referred to above.

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

5. OPTIONS

The Regulatory and Appeals Committee can decide to:

- Confirm the Tree Preservation Order unmodified
- Confirm the Tree Preservation Order in a modified form
- Not to confirm the Tree Preservation Order


Office Name: Mark Waddams

Officer Designation: Arboricultural Officer

The box below to be completed by the report author.

Wards affected	DAWLISH
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:

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Millin Way
Dawlish Warren
EX7 0EP

Ref: E2/29/92/

Dear Mr Waddams

Ref: T1

I cannot possibly see how anyone can consider this tree to be worthy of protection. The crown has been cut off at 2.6M above the ground. And it only has 1 branch so I am objecting to this order. I do feel that T2 is a danger to life and property now that you have brought it to my attention again. I think it should be felled immediately.

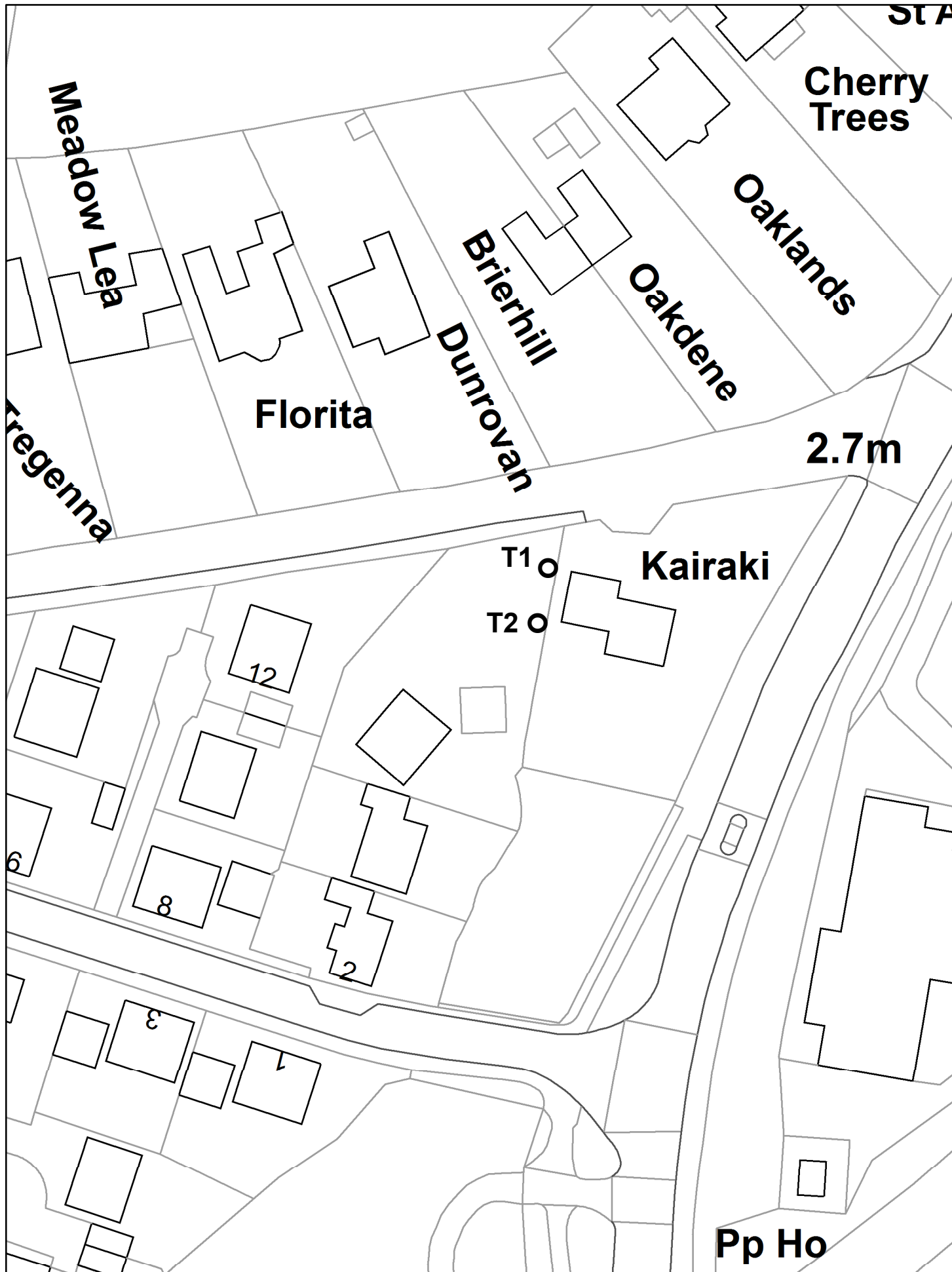
I have spoken to you many times and written to you and you visited the property about the trees within the last 4 years. You informed me that they were of no value and I could do what I liked with them. I have tried to prolong their lives as best I can considering the damage that was already inflicted on both trees by an adjacent development and constant pruning by the neighbours and electricity board.

Over the last 4 years I have complained to you many times about people cutting trees down within a 600M radius of Millin Way. And in that time we have lost 32 mature trees, and over 200 younger trees have been permanently damaged by the chainsaw. You would not do anything to stop this. What is the difference now?

Yours faithfully



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Scale:
1:625

District of Teignbridge (6 Millin Way) Tree Preservation Order 2018

E2/29/92



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IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

Town And Country Planning Act 1990 Town and Country Planning (Tree Preservation)(England) Regulations 2012 REGULATION 5 NOTICE

Tree Preservation Order: The District of Teignbridge (6 Millin Way) Tree Preservation Order 2018

THIS IS A FORMAL NOTICE to let you know that on the 15 May 2018 the Council made the above Tree Preservation Order (TPO).

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, *Protected Trees: A Guide to Tree Preservation Procedures*, produced by the Communities & Local Government Department.

The Council have made the order because:

the tree(s) contribute to the visual amenity of the area. A planning application has been received which may result in the loss of the tree(s)

The order took effect, on a provisional basis, on the 15 May 2018. It will continue to be in force on this basis for a further 6 months or until the order is confirmed by the Council.

During the period that the provisional order is in force, an opportunity is provided for the people affected by the order to make objections or other representations about any of the trees, groups of trees or woodlands covered by the order.

If you would like to make any objections or other comments, please make sure we receive them in writing by 26 June 2018. Your comments must comply with regulation 6 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012, a copy of which is provided overleaf. Send your comments by post to the Business Manager – Strategic Place, Teignbridge District Council, Forde House, Brunel Road, Newton Abbot, Devon, TQ12 4XX or by email to designandheritage@teignbridge.gov.uk.

Comments are not confidential and will be published on the internet with names and addresses although private telephone numbers/email addresses and signatures will be removed. Any comments which the Council considers to be inappropriate may be removed from letters.

All valid objections or representations are carefully considered before a decision on whether to confirm the order is made. The Council may confirm the order without modification or subject to such modifications considered to be expedient. Alternatively, a decision may be taken not to confirm the order.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact the Arboricultural Officer, telephone number 01626 215708.

The Council is required to give notice to all the owners and occupiers of the land affected by the tree preservation order. So as to ensure that this notice is served on all interested parties, please let me know within 14 days of the date below, whether there is anyone else who is an owner or occupier apart from the recipient of this notice. This information is requested in accordance with the Council's powers under section 330 of the Town and Country Planning Act 1990.

Signed:



Dated: 15 May 2018

Nick Davies

Business Manager - Strategic Place

**COPY OF REGULATION 6 OF TOWN AND COUNTRY PLANNING (TREE
PRESERVATION)(ENGLAND) REGULATIONS 2012**

Objections and representations

6 (1) Subject to paragraph (2), objections and representations -

(a) shall be made in writing and -

- i. delivered to the authority not later than the date specified by them under regulation 5(2)(c); or
- ii. sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

6 (2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

TREE PRESERVATION ORDER**Town and Country Planning Act 1990****The District of Teignbridge (6 Millin Way) Tree Preservation Order 2018**

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 (6 Millin Way) Tree Preservation Order 2018**

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 15 May 2018

Signed on behalf of the Teignbridge District Council

.....*M. Pearce*.....
 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)

REFERENCE ON MAP	DESCRIPTION	SITUATION
T1	Oak	On or close to the rear eastern garden boundary of 6 Millin Way, as shown on the plan attached to Tree Preservation Order

REFERENCE ON MAP	DESCRIPTION	SITUATION
T2	Oak	On or close to the rear eastern garden boundary of 6 Millin Way, as shown on the plan attached to Tree Preservation Order

TREES SPECIFIED BY REFERENCE TO AN AREA

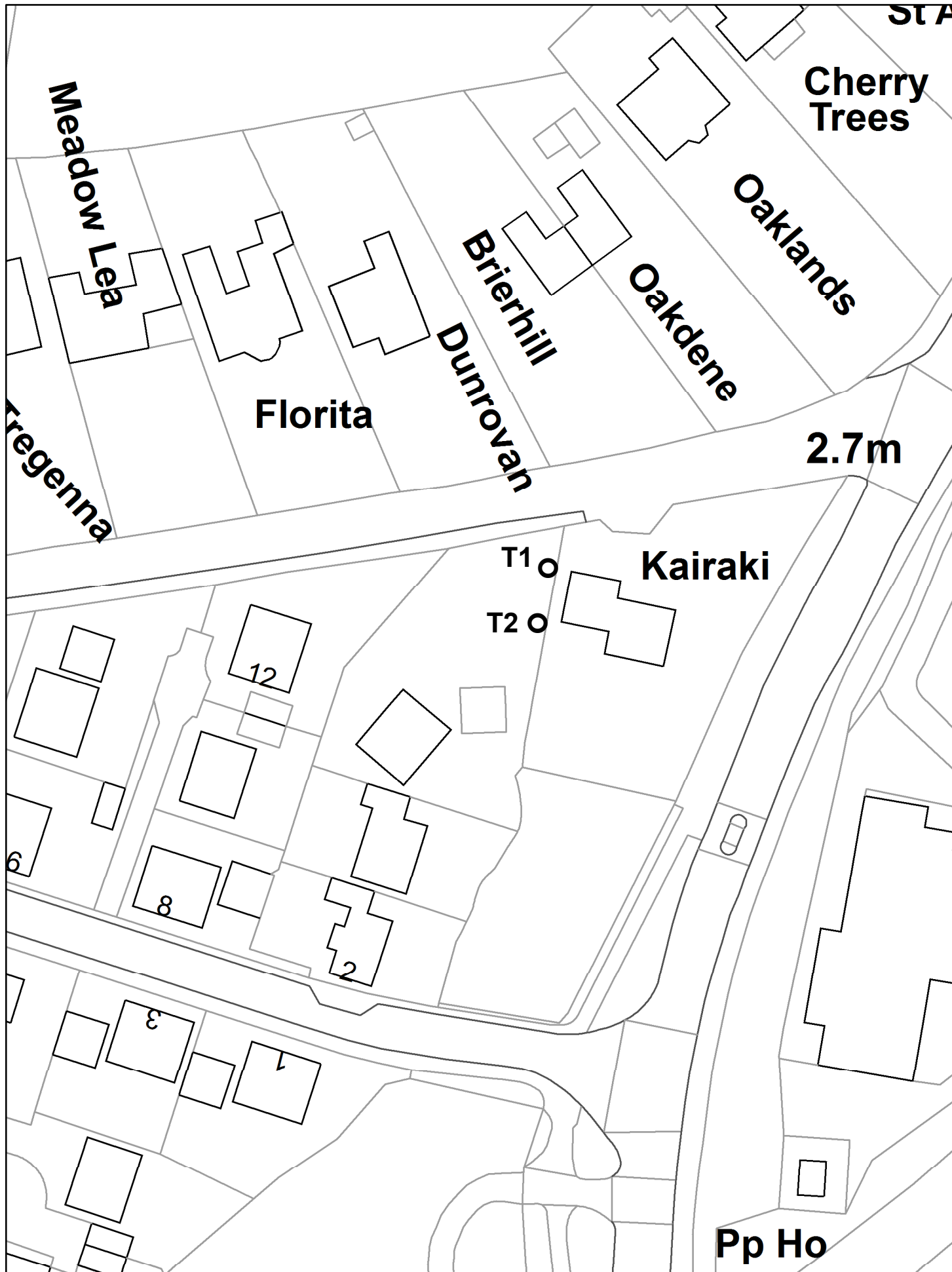
(NONE)

GROUP OF TREES

(NONE)

WOODLAND

(NONE)



Scale:
1:625

District of Teignbridge (6 Millin Way) Tree Preservation Order 2018

E2/29/92



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