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15 February 2019

REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Monday, 25th February, 2019** 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 - 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. Request renew and extend a Hackney Carriage vehicle - London Taxi LB52 YNU (Pages 5 - 8)
7. Request renew and extend a Hackney Carriage vehicle - Toyota Corolla BK08 PCU (Pages 9 - 12)
8. Request renew and extend a Hackney Carriage vehicle - Alfa Romeo WN08 LSJ (Pages 13 - 16)
9. Request renew and extend a Hackney Carriage vehicle - Volkswagen Transporter LF05 YMZ (Pages 17 - 20)
10. Request renew and extend a Hackney Carriage vehicle - Audi A4 YR58 MJX (Pages 21 - 24)
11. Tree Preservation Order 2018 - E2/27/24 (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.

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REGULATORY & APPEALS COMMITTEE

21 JANUARY 2019

Present:

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

Member in Attendance:

Councillor Clarence

Apologies:

Councillor Prowse

Officers in Attendance:

Marie Downey, Solicitor

Mark Waddams, Senior Arboricultural Officer

Howard Bassett, Democratic Services Officer (Exeter City Council)

1. MINUTES

The Minutes of the meeting held on 26 November 2018 were approved as a correct record and signed by the Chairman.

2. DECLARATIONS OF INTEREST.

There were no declarations of interest.

3. TREE PRESERVATION ORDER 2018 - E2/50/20

The Committee considered a request to confirm the provisional Tree Preservation Order (TPO) which was served on 27 September 2018 and would cease on 22 February 2019.

The District of Teignbridge (St Boniface) Tree Preservation Order 2018 protected an area of trees located within the area of Land north of St Boniface and as shown on a plan that forms part of the Order.

The Committee heard from the Council's Arboricultural Officer who gave his reasons why the Committee should confirm the Order. He made the following points:-

- while individually the trees were of moderate quality, collectively they formed an important landscape feature that was highly visible. The plotting of all the trees within the area ranging from the smallest to the largest was not considered practicable and an area rather than a woodland designation was considered appropriate;
- contrary to the objector's observations the area of trees was regarded as highly visible contributing to the visual amenity of the area;

Regulatory & Appeals Committee (21.1.2019)

- following a meeting with the agent representing the owner of the site on 8 January 2019, correspondence has been received suggesting the Order should be modified to protect seven trees - one ash tree referred to as tree (T1), two ash trees referred to as group (G1) and three lime trees and one ash tree referred to as (TG1 or G2). The agent considered other trees within the site should not be included as they were not worthy of protection. This suggestion was not supported as, while individually, the trees may be of indifferent quality, collectively the trees contributed to the visual amenity of the immediate and wider area, and should be protected;
- at the site meeting, trees adjacent to the water course and trees on or close to the northern boundary of the site were identified as providing the majority of the visual amenity; and
- owing to the above, the plan that formed part of the Order had been revised to reflect the area of the land that had been cleared and to include the trees that provided the majority of the visual amenity.

Letters of objection had been received from an agent representing the owner of the land affected by the tree preservation order dated 28 September and 7 November 2018 and 8 January 2019, which were considered by the Committee. Also considered was a petition received on 16 January 2018 with 64 signatories in support of the Order and an email, also in support, received on 18 January 2018.

The objector attended the hearing. The agent's letter stated that the Order had been made with an Area (A1) designation when Government advice stated that this should only be used in an emergency and that the TPO was unreasonable due to its indiscriminate coverage and should be amended to include those trees with a public amenity value that are of reasonable quality, in accordance with Government. The objector stated that the site largely contained poor quality shrubs and vegetation which was not worthy of an Order. He believed that it was likely that the ash trees within this area would, in due course, suffer from Ash dieback and that it was therefore appropriate for them to be removed. He also explained that the clearance work had been undertaken because of the poor quality shrubs and vegetation in this often boggy area and in order to facilitate access to the brook running through this site to prevent its further deterioration. As one of the landowners he felt that it was his responsibility to clear the brook running through the area which was becoming clogged with fallen branches, vegetation and general debris. He further advised that he was awaiting information from Devon County Council on appropriate drainage works to the brook.

Responding, the Arboricultural Officer advised that individual requests to remove specimens could be submitted after an Order had been made and he stated that it was not Devon policy to remove species of Ash in advance of any possible dieback diseases. He reported that neither South West Water nor the County Council had made representations relating to the brook.

A supporter of the TPO, speaking on behalf of the 64 petitioners, addressed the Committee. She raised the following points:-

Regulatory & Appeals Committee (21.1.2019)

- 64 signatures had been received over a two day period reflecting the strength of support for the Order from local residents including the Ringmore Residents Association;
- a before and after google aerial photograph showed the extent of the removal of trees and vegetation which goes beyond responsible tree management leading to the loss of valuable habitat;
- the woodland had existed since medieval times and its character is central to the neighbourhood as well as the wider area and is highly visible;
- comments in the agent's report in respect of individual trees are not supported, the character of Tree 2 had been adversely affected by the burning of shrub and vegetation as part of the clearance works, and the root area of Tree 4 was damaged by the plant equipment. Further, leylandi contributes to the collective value of the woodland;
- this area of woodland supports sustainability in that it assists the purification of air and has a high biodiversity element;
- no prior consultation had taken place with residents on the proposals for the clearance of the area; and
- request the reinstatement of the original Order with the removed trees replaced with other specimens to protect this valuable and unique landscape.

The Arboricultural Officer explained that it was not possible to reinstate the original Order and to seek replacement of the trees that had been removed during the clearance.

Councillor Clarence spoke on behalf of local residents and expressed his concerns at the extent of the clearance undertaken to date. He referred to other woodland clearances in the Shaldon area and he supported the retention of habitat and maintaining the existing biodiversity. He believed that the works were also impacting adversely on a neighbouring Conservation Area.

In conclusion, the Arboricultural Officer reiterated his view in respect of the collective value of the trees and recommended conformation of the Order as recommended. The objector stated that he was amenable to further consultation with the Arboricultural Order and Devon County Council for arrangements to be agreed on what further clearance would be permissible to enable him to carry out his responsibilities and to access the brook.

The Committee considered the trees provided a high amenity vale and were an asset to the local area and landscape. The protection of trees in question complied fully with Government guidance and it was therefore expedient in the interests of amenity to make provision for their preservation.

Therefore the Committee

Resolved

To confirm the Tree Preservation Order, as modified.

Reason

The trees are highly visible and contributes to the visual amenity of the area, and are typical of those found within this part of Shaldon. The loss of the trees would have a detrimental impact upon the visual amenity of the area. Collectively the

Regulatory & Appeals Committee (21.1.2019)

trees have an amenity rating of 18. The suitable benchmark rating for inclusion within a tree preservation order is 15.

Chairman

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Charlie Dennis

DATE: 25th February 2019
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 London Taxi, registration LB52 YNU , the applicant wishes the Committee to consider, was first registered on 30th January 2003 will be 15 years old and 11 months old, if granted. The current Hackney Carriage licence expires on 6th March 2019.

The current MOT expires 4th March 2019 and had no advisories

The vehicle is booked in at the depot for an inspection on 4 February 2019, details will be presented to committee.

The vehicle has been inspected by the licensing Officer and is in very good condition. This inside is clean and tidy and the outside is in excellent condition with new lights, bumper and front grill. A few scratches on nearside front wheel hub.

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 Council is satisfied that it is in a good condition and good state of repair and provided

TEIGNBRIDGE DISTRICT COUNCIL

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 Charlie Dennis

DATE: 25th February 2019
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 Corolla, BK08 PCU the applicant wishes the Committee to consider, was first registered on 26th March 2008 will be 10 years old and 10 months old, if granted. The current Hackney Carriage licence expired on 1 February 2019.

The current MOT expires 23rd January 2020 and had 7 monitor and repair if necessary advisories.

- free play felt at steering wheel
- Front shocks corroded
- Rear inner brake pads look low
- X 2 front tyres and OSR Wearing on edges
- Rear trailing arm bushes deteriorated
- Rear Service brake fluctuating, but not excessively NS+OS (1.2.1 (e))
- Water in fuel filter light on dash

The vehicle is booked in at the depot for an inspection on 6th February 2019, details will be presented to committee.

The vehicle has been inspected by a licensing officer and is in good condition inside. The seats are looking tired but are clean and tidy and the door covering have gone slack but this is a design fault. The outside is in excellent condition.

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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'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.

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: 25th February 2019
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, an Alfa Romeo, WN08 LSJ the applicant wishes the Committee to consider, was first registered on 28th March 2008 will be 10 years old and 10 months old, if granted. The current Hackney Carriage licence expired on 17th February 2019.

The current MOT expires 28th March 2019 and had no advisories.

The vehicle is booked in at the depot for an inspection on 12 February 2019, details will be presented to committee.

The vehicle has been inspected by the 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 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

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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:	

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TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 25th February 2019
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'.

TEIGNBRIDGE DISTRICT COUNCIL

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 Volkswagen Transporter, registration LF05 YMZ which the applicant wishes the Committee to consider was first registered on 30th March 2005 will be 13 years and 10 months old, if granted. The current private hire licence expired on 14th January 2019. The applicant paid to keep the licence live as it could not be presented at an earlier committee hearing due to requiring some respray work.

The current MOT expires 25th July 2019 and had two advisories. Nearside rear brake disc worn, pitted or scored but not seriously weakened. Offside rear brake disc worn, pitted or scored but not seriously weakened.

The vehicle is booked in at the depot for an inspection on 1st February 2019, details will be presented to committee.

At the time of writing this report the vehicle had not been inspected by a licensing officer.

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: 25 February 2019
REPORT OF: Licensing Manager
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.

TEIGNBRIDGE DISTRICT COUNCIL

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*'.

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 Audi A4, YR58 MJX which the applicant wishes the Committee to consider was first registered on 24 October 2008 and will be ten years and three months old, if granted. The current Private Hire licence expires on 1 March 2019. The vehicle will no longer meet the Council's licensing policy as it is now being more than 10 years old.

The vehicle has a current MOT that expires on the 1 March 2019 and had one advisory.

The vehicle is booked in at the depot for an inspection on 18 February 2019, details will be presented to 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.

Andrea Furness
Licensing Manager
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

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REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Charlie Dennis

DATE: 25 February 2019
REPORT OF: Business Manager – Strategic Place
SUBJECT: The District of Teignbridge (Lea Mount) Tree Preservation Order 2018
E2/27/24

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve that:

The District of Teignbridge (Lea Mount) Tree Preservation Order 2018 is confirmed un-modified

1. PURPOSE

The District of Teignbridge (Lea Mount) Tree Preservation Order 2018 protects one Sycamore tree located within an area of Land to the south east of Lea Mount, as shown on the plan that forms part of the tree preservation order.

The Tree Preservation Order (TPO) was served on 7 September 2018. The provisional protection will cease on 6 March 2019, if it is not confirmed.

2. BACKGROUND

The Tree Preservation Order was made as information had been received that the area of land may be cleared and the tree felled.

Local Planning Authorities (LPAs) have a duty under Part VIII Section 197 of the Town and Country Planning Act 1990 (TCPA) to ensure the protection of trees by making TPOs where it is considered necessary. 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".

Further guidance may be found in National Planning Policy Guidance "Tree Preservation Orders and trees in conservation areas"

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3. REASON

The tree is highly visible and contributes to the visual amenity of the area, as the tree is semi-mature there is potential for the visual amenity of the tree to increase significantly in future years. Owing to the above the loss of the tree would have a detrimental impact upon the visual amenity of the area.

Collectively the trees have an amenity rating of 15. 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 (Lea Mount) Tree Preservation Order was made and served on 7 September 2018.

One letter of objection dated 17 October 2018 has been received from an agent representing the owner of the land affected by the tree preservation order.

The objection can be summarized as follows:

- The sycamore is not a high value tree.
- The tree is barely visible in the local landscape and only really visible from Lea Mount.
- The sycamore tree does not make a significant contribution to public amenity.
- The structured assessment used shows that the tree does not merit a TPO.

Officer Comment:

- Contrary to the objectors observations the tree is highly visible from Lea Mount and, as can be seen from the photographs submitted by the objector, can be seen from distant views. As referred to above as the tree is semi-mature there is potential for the visual amenity of the tree to increase significantly in future years.

Three letters of support have been received in support of the making of the tree preservation order Three letters of support can be summarised as follows:

“This lovely tree is sited on undeveloped land which is on the edge of our village boundary and borders fields. As far as I am aware the area this tree is in is designated as an area of great landscape value and we believe that the tree greatly contributes to the visual amenity of this area.

This tree has grown and matured here over many decades on land which has been left to continue to grow as a wildlife haven until now. This tree contributes greatly to the character and appearance of this rural area”.

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* See below to view full documents

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 modified
- 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	Bishopsteignton
Contact for any more information	Mark Waddams (01626) 215708
Appendices attached:	I: Amenity Evaluation Sheet

*All relevant documents may be viewed on our website here:

<https://www.teignbridge.gov.uk/planning/forms/protected-tree-checker/>

- Click on the map within the highlighted area of the TPO that you want to see – a 'Results' table will appear
- Scroll down to see the information
- Click on 'Associated Documents' to see the documents.

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APPENDIX I

AMENITY EVALUATION RATING FOR TPOs

TPO No:	E2/50/20	Site Visit date:	17 December 2018
TPO Name:	The District of Teignbridge (St Boniface) Tree Preservation Order 2018	Effective Date:	22 August 2018
Address	Land At NGR 292588 71909, North Of St Boniface, Brook Lane, Shaldon, Devon	TPO Designation	Area
Rating	18	Surveyed by:	Mark Waddams
Reason for TPO	The Tree Preservation Order was made as a number of trees had and were being felled		

1. <u>Size – height x spread</u> 1 very small 2-5m ■ 2 small 5-10m ■ 3 small 10-25 ■ 4 medium 25-50m ■ 5 medium 50-100m ■ 6 large 100-200m ■ 7 very large 200m ■ +	score 7	6. <u>Suitability to area</u> 1 Just suitable 2 Fairly suitable 3 Very suitable 4 Particularly suitable	score 2
2. <u>Life expectancy</u> 1 5-15 yrs 2 15-40 yrs 3 40-100yrs 4 100yrs +	3	7. <u>Future amenity value</u> 0 Potential already recognised 1 Some potential 2 Medium potential 3 High potential	0
3. <u>Form</u> -1 Trees which are of poor form 0 Trees of not very good form 1 Trees of average form 2 Trees of good form 3 Trees of especially good form	0	8. <u>Tree influence</u> -1 Significant 0 Slight 1 Insignificant	1
4. <u>Visibility</u> 1 Trees only seen with difficulty or by a very small number of people 2 Back garden trees, or trees slightly blocked by other features 3 Prominent trees in well frequented places	3	9. <u>Added factors</u> <i>If more than one factor relevant maximum score can still only be 2</i> 1 Screening unpleasant view 1 Relevant to the Local Plan 1 Historical association 1 Considerably good for wildlife 1 Veteran tree status	1
5. <u>Other trees in the area</u> 0.5 Wooded surrounding 1 Many 2 Some 3 Few 4 None	1	10. <u>Notes and total score</u> Reasonable for inclusion within the TPO	18