

REGULATORY & APPEALS COMMITTEE

MONDAY, 29 OCTOBER 2018

Present:

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

Officers in Attendance:

Marie Downey, Solicitor

Hayley Carpenter, Licensing Officer

Mark Waddams, Senior Arboricultural Officer

Debbie Rosenveldt, Licensing Assistant

Mark Devin, Democratic Services Officer (Exeter City Council)

THE MEETING WAS OPENED & THE MEMBERS ADJOURNED TO INSPECT THE HACKNEY CARRIAGE VEHICLES

1. MINUTES

The Minutes of the meeting held on 1 October 2018 were approved as a correct record and signed by the Chairman.

2. DECLARATIONS OF INTEREST.

There were no declarations of interest.

3. APPLICATION FOR A 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.

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 Licensing Officer presented the report stating that the vehicle was a Toyota Avensis, registration FL56 ETK and had been first registered on 13 October 2006, making the vehicle over 12 years old if granted. The existing Hackney Carriage

licence expired on 31 October 2018. It was noted that the vehicle had a current MOT certificate, with no advisories and a vehicle inspection test report. The inspection report had initially failed following a list of identified issues. The driver confirmed that all items on the list had been resolved which had now been resolved and the vehicle had passed.

The Applicant was in attendance and addressed the Committee to support the application. He explained that he been as a second job, while he was building his primary business elsewhere. He had considered purchasing an electric car, but he couldn't justify the costs, especially with reducing the number of hours he operated as a driver. He stated that he would not be driving between November 2018 and January 2019, and would likely not be renewing the licence upon its expiry. He confirmed that despite spending a significant amount of money on the vehicle, the mileage would be kept low and was kept in a good and clean condition.

Resolved

Vehicle registration FL56 ETK be approved for a 12 month Hackney Carriage Vehicle Licence renewal with a condition requiring that the vehicle have six monthly vehicle inspections.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representation by the Applicant and the Licensing Officer, the Regulatory and Appeals Committee were 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.

4. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE EXTENSIONS

Consideration was given to an application to renew and extend two Hackney Carriage Vehicle Licences, as set out in the report.

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 Licensing Officer presented the report stating that the first vehicle was a eight seater, Vauxhall Vivaro, registration FD08 AWH and had been first registered on 20 May 2008, making the vehicle over 10 years old if granted. The existing Hackney

Carriage licence expired on 20 November 2018.

It was noted that the vehicle had a number of issues previously reported but had now been resolved. The MOT had been passed, however the vehicle handbrake had failed the inspection test but had been re-tested. The Licensing Officer noted that the vehicle had been purchased from a previous owner who had not looked after it, and the previous resolved issues were not a reflection of the current owner.

The Licensing Officer referred Members to the second vehicle stating that it was a Seat Alahambra, registration WF08 LJE and had been first registered on 3 April 2008, making the vehicle over 10 years old if granted. The existing Hackney Carriage licence expired on 29 November 2018. The vehicle inspection test had not been completed, but was due to be undertaken. The Licensing Officer was satisfied with the condition of the vehicle.

The Applicants were in attendance and addressed the Committee to support the two applications.

Resolved

Vehicle registration FD08 AWH and WF08 LJE be approved for a 12 month Hackney Carriage Vehicle Licence renewal, in accordance with legislation, subject to a six monthly vehicle inspection test. The Licensing Authority had delegated power to provide the new plate upon receipt of the inspection report.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representation by the Applicant and the Licensing Officer, the Regulatory and Appeals Committee were satisfied with the general standard of the vehicles, the state of repair and the condition of the vehicles. Therefore it was considered that the vehicles were fit for use for the general public and paying customers, upon receipt of a satisfactory inspection report.

5. TREE PRESERVATION ORDER 2018 - E2/29/92

The Committee considered a request to confirm the provisional Tree Preservation Order (TPO) which was served on the 15 May 2018 and would cease on 15 November 2018.

The District of Teignbridge (6 Millin Way) Tree Preservation Order 2018 protects two Oak trees located within the gardens of 6 Millin Way, Dawlish Warren. The TPO was made following the submission of a planning application which was withdrawn on 7 June 2018 and no new planning application had been received to date.

One letter of objection had been received, which was considered by the Committee. The objector and other interested parties did not attend the hearing. The objections received included:

- The crown has been cut off at 2.6m above the ground, so how can this tree be worthy of protection;
- T2 was a danger to life and property;
- The Arboricultural Officer had stated the trees were of no value and the objector could do what they wanted, following multiple conversations;
- Has complained to the Arboricultural Officer many times over last 4 years about cutting trees down within a 600m radius of Millin Way, and in that time 32 mature trees have been lost, and over 200 younger trees have been permanently damaged by the chainsaws. Nothing has been done to stop this, so what is the difference.

The Committee heard from, the Council's Arboricultural Officer who gave his reasons why the Committee should confirm the Tree Preservation Order. He repeated his comments contained within the agenda report, namely that:

- The trees had been substantially pruned in the past and did not have a traditional form, the trees were highly visible and contributed to the visual amenity of the area;
- No information has been provided by a suitably qualified arboriculturalist that would indicate if the trees were unstable or in dangerous condition;
- He had no recollection of visiting the trees and informing the owner he could "do what I liked with them", or being contacted regarding the loss and damage of the 232 trees.

The Arboricultural Officer added that the trees were acceptable to the local amenities, no reports from the objector or a qualified tree surgeon had been received and there had been no objections from neighbouring properties.

In response to Member questions, the Arboricultural Officer explained that any pruning work would be undertaken by the power company to prevent interference with the electrical wiring, the trees were in excellent condition, with between 40 to 100 years of life left and, there were no records from either him or the objector to indicate any correspondence to support the complaints

On balance, the Committee considered that the positive benefits of protecting the trees outweigh the negative impacts on the neighbours of the site. Therefore, the Committee

Resolved

To confirm the Tree Preservation Order unmodified.

Reasons for Decision

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

Chairman