

REGULATORY & APPEALS COMMITTEE

30 MAY 2019

Present:

Councillors J Petherick (Chairman), Hayes (Vice-Chairman), Austen, Evans, Kerswell and Russell

Officers in Attendance:

Marie Downey, Solicitor
Andrea Furness, Licensing Manager
Mark Waddams, Senior Arboricultural Officer
Trish Corns, Democratic Services Officer
Debbie Rosenfeldt, Licensing Assistant

1. MINUTES

The Minutes of the meeting held on 25 April, 2019 were confirmed as a correct record and signed by the Chairman.

2. DECLARATIONS OF INTEREST.

There were no declarations of Interest.

3. PUBLIC QUESTIONS UNDER COUNCIL PROCEDURE RULE 10.4(G)

There were no public questions.

4. COUNCILLOR QUESTIONS UNDER PROCEDURE RULE 10.4(H)

There were no Councillor questions.

**5. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE EXTENSION
HO67**

Consideration was given too an application for a Hackney Carriage Vehicle Licence renewal and extension for a Mercedes E220 Vehicle Registration KV09 WPK. The vehicle is 10 years and 2 months old.

The Committee adjourned to inspect the vehicle.

On reconvening the Chairman welcomed all those present and introduced the Committee, and the Solicitor set out the procedure for the Hearing. The

Licensing Officer also introduced the report and it was noted that the vehicle has a valid MOT until April 2020, and passed the vehicle inspection on 24 April 2019, both with no advisories.

The Applicant attended the hearing to support his application.

All vehicle licences are issued annually and Section 43 of the Town Police Clauses Act 1847 provides that a private hire / hackney carriage vehicle licence may only be in force for a maximum period of one year.

The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under ten years old, with the exception of purpose built cabs. The Council has the discretion to license purpose built cabs and needs to be satisfied that such a vehicle is in a good condition and good state of repair, and provided that it passes the appropriate testing standard.

The 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.

Resolved

The Mercedes E220 Vehicle Registration KV09 WPK be approved for a 12 month renewable Hackney Carriage Vehicle Licence, in accordance with legislation subject to six monthly taxi tests.

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 & Appeals Committee is satisfied with the general standard of the vehicle, the state of repair, and the condition of the vehicle. Therefore it is considered the vehicle, which is of an exceptionally good condition with the appearance of a new car, is fit for use for the general public and paying customers.

6. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE EXTENSION H201

Consideration was given to an application for a Hackney Carriage Vehicle Licence renewal and extension for a Mercedes E220 Vehicle Registration KV08 XOC. The vehicle is 11 years and 2 months old.

The Committee adjourned to inspect the vehicle.

On reconvening the Chairman welcomed all those present and introduced the Committee, and the Solicitor set out the procedure for the Hearing. The Licensing Officer also introduced the report and it was noted that the vehicle has a valid MOT until April 2020, and passed the vehicle inspection on 30 April 2019, the latter with three advisories which have been rectified.

The Applicant attended the hearing to support his application.

All vehicle licences are issued annually and Section 43 of the Town Police Clauses Act 1847 provides that a private hire / hackney carriage vehicle licence may only be in force for a maximum period of one year.

The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under ten years old, with the exception of purpose built cabs. The Council has the discretion to license purpose built cabs and needs to be satisfied that such a vehicle is in a good condition and good state of repair, and provided that it passes the appropriate testing standard.

The 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.

Resolved

The Mercedes E220 Vehicle Registration KV08 XOC be approved for a 12 month renewable Hackney Carriage Vehicle Licence, in accordance with legislation subject to six monthly taxi tests.

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 & Appeals Committee is satisfied with the general standard of the vehicle, the state of repair, and the condition of the vehicle. Therefore it is considered the vehicle, which is of an exceptionally good condition with the appearance of a new car, is fit for use for the general public and paying customers.

7. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE EXTENSION H224

The application was withdrawn at the request of the applicant.

**8. THE DISTRICT OF TEIGNBRIDGE (APPLEWOOD) SHALDON ROAD,
COMBEINTEIGNHEAD
TREE PRESERVATION ORDER 2018
E2/19/08**

Consideration was given to the confirmation of the provisional Tree Preservation Order (TPO) which was served on the 12 December 2018 and would cease on 12 June 2019. The District of Teignbridge Tree Preservation Order (Applewood) Shaldon Road, Combeinteignhead, 2018 protects a mature Yew tree located within an area of land south west of Oakford House, Shaldon Road.

The Committee considered all written representations received in relation to the trees and their amenity value. Interested parties did not attend the Hearing.

Two written representations from the Appellant dated 23 and 28 May 2019 were circulated at the meeting. The objections related to the applicants concern for the risk to pets and her family members particularly grandchildren from the toxic berries and sprigs fallen from the tree into her garden, resulting in two-thirds of her garden being unusable, and the Appellant's two dogs and granddaughter being taken ill.

One letter of support dated 20 May 2019 for the TPO confirmation and the protection of the Yew Tree from Haccombe-with-Combe Parish Council was circulated at the Hearing.

The Committee heard from the Council's Arboricultural Officer who showed photographs of the tree taken from various public vantage points. He gave his reasons why the Committee should confirm the Tree Preservation Order. He accepted berries could fall into the objector's garden during the short period of time that they are produced by the tree. The tree is located close to the north western corner of the garden, adjacent to an outbuilding. Owing to this and the current use of the garden adjacent to the tree, only a small proportion of the usable garden area is affected by the falling of berries and sprigs. As access to the affected area can be restricted during the period of berry production. The fall of berries and sprigs does not justify the removal of the tree.

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

Resolved

To confirm the Tree Preservation Order unmodified.

Reasons for Decision

The Committee considers the tree is a highly visible and mature specimen that contributes to the visual amenity of the area; it is typical of those growing within this area of the district. The loss of the tree would have a detrimental impact upon the visual amenity of the area. The tree has an amenity rating of 15. The suitable benchmark rating for inclusion within a tree preservation order is 15.

9. EXCLUSION OF THE PUBLIC AND PRESS

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 paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act.

10. COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER APPLICATION FOR 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 the report, circulated with the agenda, which detailed an appeal against the decision to refuse an application for a Private Hire Drivers' Licence. The Committee carefully considered the report and the associated appendices and representations, together with the oral and written evidence provided at the Hearing.

The Applicant and his representative were 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 combined Hackney Carriage and Private Hire Licence be approved, and the appeal be upheld.

Reason for the Decision

In regard to the decision to refuse or approve the Private Hire Licence, we are satisfied that on the evidence provided at the Hearing, and written submissions, that the applicant has sufficiently demonstrated that he is a reformed character, and is deemed to be a fit and proper person. By a majority decision, we consider there are no grounds to dismiss the appeal and the application for a licence is approved.

CLLR J PETHERICK
Chairman