

E-mail: comsec@teignbridge.gov.uk

30 March 2022

LICENSING AND REGULATORY SUB-COMMITTEE

A meeting of the **Licensing and Regulatory Sub-Committee** will be held on **Tuesday, 5th April, 2022** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.30 am**

PHIL SHEARS
Managing Director

Membership:

Councillors Hayes (Vice-Chair), Kerswell and J Petherick

Please Note: Filming is permitted during the Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the Council Chamber you are consenting to being filmed.

A G E N D A

Part I

- 11. Request for Hackney Carriage Vehicle Extension for further 12 months - RO10 VVP** (Pages 3 - 12)

If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk

This page is intentionally left blank

TEIGNBRIDGE DISTRICT COUNCIL

LICENSING AND REGULATORY SUB COMMITTEE

5 April 2022

PART I

Report Title	Request for Hackney Carriage Vehicle Extension for further 12 months RO10 VVP White Vauxhall Insignia
Purpose	For the Committee to consider the request, including this report, representations made by the proprietor of the vehicle and to determine whether the vehicle is fit for purpose and should be issued with an extended licensing plate.
Applicant	Mr Md Zahed Hussain
Options	The Committee may: a. Grant the request, with or without conditions; or b. Refuse the request.
Report Author	Debbie Rosenveldt, Licensing Officer licensing@teignbridge.gov.uk
Appendices / Background Papers	A: Request for extension B: MOT history

1. APPLICATION DETAILS

- 1.1 Vehicle first registered – July 2010
Age of vehicle, if granted - 11 years and 9 months
Hackney Carriage licence expires – 22 April 2022

The vehicle will no longer meet the Council's licensing policy as it is now being more than 10 years old.

- 1.2 MOT expires – 30 August 2022 with advisories – Appendix B.
- 1.3 Vehicle inspection booked at the Depot for 23 March 2022 – details to be provided at the hearing.
- 1.4 **Licensing Officer:**
The vehicle has not been inspected by a Licensing Officer. Photographs to be provided when received or at the hearing.

Recommendation:

If the Committee resolves to license the vehicle, a condition requiring the vehicle to have six or four monthly vehicle inspections be imposed.

2. RELEVANT POLICY AND LAW

- 2.1 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'.

- 2.2 All vehicle licences are issued annually.

- 2.3 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 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

- 2.4 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'.

- 2.5 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.

- 2.6 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."

- 2.7 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 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.”

2.8 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.’

2.9 In summary, the Committee is required to ensure that Public Safety is not compromised by the granting of an extension of the licence. If it is satisfied that safety is reasonably assured they may grant the licence for a maximum of 12 months or such shorter period as they see as appropriate.

3. FINANCIAL IMPLICATIONS

The cost of defending the appeal if the application is refused and the applicant appeals to the Magistrates’ Court.

4. LEGAL

The Committee are required only to ensure that Public Safety is not compromised by the granting of an extension of the licence. If they are satisfied that safety is reasonably assured they may grant the licence for a maximum of 12 months or such shorter period as they see as appropriate.

This page is intentionally left blank

Regulatory and Appeals Committee

Dear Chairman and Councillors

I would like to appeal for an extension to my vehicle RO10 VVP, a white Vauxhall Insignia.

The licence is due to expire 22nd April 2022. The vehicle is in excellent mechanical and physical condition inside and out. It will be 11 years and 9 months old on renewal.

Due to the current climate and the high cost of replacing this vehicle with one that is under 5 years old I hope that the committee will look favourably upon my request.

I will present my vehicle to the Licensing Officer for inspection so that they can confirm that it was in good physical condition.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.

This page is intentionally left blank

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

RO10VVP

VAUXHALL INSIGNIA

Colour
White

Fuel type
Diesel

Date registered
16 July 2010

MOT valid until
30 August 2022

MOT history

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

Date tested
25 August 2021

PASS

Mileage
226,596 miles

MOT test number
3689 8087 3862

Test location

Expiry date
30 August 2022

Repair as soon as possible (minor defects):

- **Registration plate lamp inoperative in the case of multiple lamps or light sources (4.7.1 (b) (i))**
- **Windscreen damaged but not adversely affecting driver's view (3.2 (a) (i))**
- **Nearside Front Anti-roll bar linkage ball joint dust cover severely deteriorated (5.3.4 (b) (i))**

Monitor and repair if necessary (advisories):

- **n/s o/s front tyres worn on outer edges**
- **o/s rear tyre worn on inner edge**
- **n/s rear brake disc back plate corroded**
- **slight oil leak**

Date tested
28 August 2020

PASS

Mileage
201,125 miles

Test location

MOT test number
5254 2983 4963

Expiry date
30 August 2021

Monitor and repair if necessary (advisories):

- **Tyre worn close to legal limit/worn on edge Fronts wearing on shoulders (5.2.3 (e))**
- **Brake fluid dark in colour?**

Date tested
30 August 2019

PASS

Mileage
188,690 miles

Test location

MOT test number
5491 8281 2376

Expiry date
30 August 2020

Date tested
30 August 2019

FAIL

Mileage
188,690 miles

Test location

MOT test number
1813 6870 1579

Repair immediately (major defects):

- **Nearside Headlamp light intensity severely reduced Main (4.1.4 (a))**
- **Offside Headlamp light intensity severely reduced Main (4.1.4 (a))**
- **Nearside Headlamp light intensity severely reduced Dip (4.1.4 (a))**
- **Offside Headlamp light intensity severely reduced Dip (4.1.4 (a))**

Date tested
31 August 2018

PASS

Mileage
163,429 miles

Test location

MOT test number
1718 8828 2140

Expiry date
30 August 2019

The MOT test changed on 20 May 2018

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

Date tested
1 August 2017

PASS

Mileage
148,142 miles

Test location

MOT test number
2299 3292 4424

Expiry date
31 July 2018

Advisory notice item(s)

- **oil leak on engine**

- **Nearside Rear Brake pad(s) wearing thin (3.5.1g)**

Date tested
20 June 2016
PASS

Mileage
132,767 miles

MOT test number
9490 4216 0447

Test location

Expiry date
16 July 2017

Date tested
22 June 2015
PASS

Mileage
99,661 miles

MOT test number
9691 0397 5177

Test location

Expiry date
16 July 2016

Advisory notice item(s)

- **Nearside Rear brake disc worn, pitted or scored, but not seriously weakened (3.5.1i)**

Date tested
17 June 2014
PASS

Mileage
73,026 miles

MOT test number
9693 5806 4145

Test location

Expiry date
16 July 2015

Date tested
3 July 2013
PASS

Mileage
66,334 miles

MOT test number
8566 5418 3196

Test location

Expiry date
16 July 2014

Advisory notice item(s)

- **n/s/r brake pads look crumbly**
- **rear tyres wearing odd**

Date tested
3 July 2013
FAIL

Mileage
66,334 miles

MOT test number
6162 6448 3125

Test location

Reason(s) for failure

- **Front registration plate deteriorated (6.3.1d)**
- **Rear registration plate deteriorated (6.3.1d)**

Advisory notice item(s)

- **n/s/r brake pads look crumbly**
- **rear tyres wearing odd**

Outstanding vehicle recalls

Check if VAUXHALL INSIGNIA RO10VVP has outstanding recalls
