

2 September 2019

## **REGULATORY & APPEALS COMMITTEE**

A meeting of the **Regulatory & Appeals Committee** will be held on **Tuesday, 10th September, 2019** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS  
Managing Director

### **Membership:**

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

**Please Note:** Filming is permitted during 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.

## **AGENDA**

### **Part I**

1. **Apologies for absence**
2. **Minutes** (Pages 3 - 10)  
To approve and sign the minutes of the meeting held on 16<sup>th</sup> July 2019.
3. **Matters of urgency/matters of report especially brought forward with the permission of the Chairman.**
4. **Declarations of Interest.**

5. **Local Government (Access to Information) Act 1985 -  
Exclusion of Press and Public**

It is considered that the Committee would be unlikely to exclude the press and public during consideration of the items on this agenda, but if it should wish to do so, the following resolution should be passed:-

**RECOMMENDED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting of the particular item(s) on the grounds that it involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

6. **Application for a Hackney Carriage Vehicle Extension H151** (Pages 11 - 18)
7. **Application for a Hackney Vehicle Carriage Vehicle Extension. H152** (Pages 19 - 28)
8. **Application for a Private Hire Vehicle Extension P231** (Pages 29 - 38)

**Part II: Items suggested for discussion with the press and public excluded**

NIL

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

**REGULATORY & APPEALS COMMITTEE****16 JULY 2019**Present:

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

Apologies:

Councillors Austen and Russell

Officers in Attendance:

Marie Downey, Solicitor

Hayley Carpenter, Licensing Officer

Trish Corns, Democratic Services Officer

**35. MINUTES**

The minutes of the meeting held on 30 May 2019 were confirmed as a correct record and signed by the Chairman.

**36. DECLARATIONS OF INTEREST.**

There were no declarations of interest.

**37. APPLICATION FOR SPECIALIST VEHICLE AND SMALL PLATE FOR 279 WCV**

Consideration was given to a request for a Vintage Vehicle Private Hire Licence and to display a small plate for a Beauford Tourer, registration 279 WCV, registered July 1980.

The Committee adjourned to inspect the vehicle.

Section 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

*'Subject to the provisions of this Part of the Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such a manner as the district council shall prescribe by condition attached to the grant of licence.'*

The Council's requirement for the display of licence plates on the rear of licensed vehicles is set out in the Hackney Carriage and Private Hire Licensing

Policy, paragraph 9.4 on page 27, as set out in the report circulated with the agenda.

In relation to the request for a Private Hire Vehicle Licence, 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.

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 5 years old at first registration.*

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.

The applicant explained the nature of his work, and was able to demonstrate the need to display a small licence plate on the outside of his vehicle, given the specialist service that his business entails.

The Vehicle passed an MOT in April 2019 with a few adversaries, all of which have been rectified.

It was agreed that the Licensing Officer confirm the small plate's location on the vehicle with the applicant.

Resolved

The Beauford Tourer, registration 279 WCV.be granted a Vintage Vehicle Licence Private Hire Licence, with conditions set out below, with approval to display a small plate.

1. Whenever passengers are entering or leaving the vehicle, physical assistance is provided to ensure their safety.
2. All components/spare used should be bonifide and meet manufacturer's specification.
3. Plastic glasses only to be used in the vehicle.

#### Reasons for Decision

With regards to the request for a small plate, having heard the applicant's description of his business and the work that it entails, and the available options advised by the Licensing Officer, the Committee considered the resolution above would be best suited to the applicant whilst meeting the Council's licensing responsibilities.

In relation to the request for a Private Hire Vehicle Licence, 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 is fit for use for the general public and paying customers.

**38. APPLICATION FOR A PRIVATE HIRE VEHICLE EXTENSION GY05 AWC**

Consideration was given to an application for a Hackney Carriage Vehicle Licence renewal and extension for a Ford Torneo Vehicle Registration GY05 AWC. The vehicle is over 14 years being registered in March 2005.

The Committee adjourned to inspect the vehicle.

All vehicle licences are issued annually and Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a private hire 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. The Council has the 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 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.

The Committee noted that the vehicle passed a recent MOT with no advisories, and passed a recent vehicle inspection test with one advisory which have been rectified. All issues raised as a result of the Licensing Officer's inspection, as set out in the report, has been rectified

The Applicant's representative attended the hearing to support the application.

Resolved

The Ford Torneo registration GY05 AWC be approved for a 12 month renewable Private Hire 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 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, is fit for use for the general public and paying customers.

**39. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE EXTENSION PY05 KFJ**

The Committee considered an application for a Hackney Carriage Vehicle Licence renewal and extension for a Volkswagen Sharan Vehicle registration PY05 KFJ. The vehicle is 14 years old being registered in July 2005.

The Committee adjourned to inspect the vehicle.

All vehicle licences are issued annually and Section 43 of the Town Police Clauses Act 1847 provides that a 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. The Council has the 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 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.

It was noted that the vehicle passed a recent MOT with no advisories. It also recently passed the vehicle inspection test with one advisory which has been rectified. In addition, the vehicle was inspected by the Licensing Officer and issues raised have been rectified.

The Applicant's representative attended the hearing to support the application.

Resolved

The Volkswagen Sharan Vehicle registration PY05 KFJ be approved for a 12 month renewable Hackney Carriage Vehicle Licence, in accordance with legislation subject 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 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, is fit for use for the general public and paying customers.

**40. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE EXTENSION  
LR09 YTX**

The Committee considered an application for a Hackney Carriage Vehicle Licence renewal and extension for a Ford Mondeo Vehicle registration LR09 YTX. The vehicle is over 10 years old being registered May 2009.

The Committee adjourned to inspect the vehicle.

All vehicle licences are issued annually and Section 43 of the Town Police Clauses Act 1847 provides that a 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. The

Council has the 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 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.

The Committee noted that the vehicle has a valid MOT until March 2020, and the advisories have been rectified. The vehicle passed a recent taxi inspection, and all issues raised by the Licensing Officer following her inspection have been rectified.

The Applicant attended the hearing to support the application.

Resolved

The Ford Mondeo Vehicle registration LR09 YTX 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 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, is fit for use for the general public and paying customers.

**41. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE EXTENSION  
OV58 ORS**

This application was withdrawn by the applicant.

**42. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE EXTENSION  
SP58 YVM**

Consideration was given to an application for a Hackney Carriage Vehicle Licence renewal and extension, for a Skoda Octavia, vehicle registration SP58 YVM. The vehicle is over 10 years old being registered in December 2008.

The Committee adjourned to inspect the vehicle.

All vehicle licences are issued annually and Section 43 of the Town Police Clauses Act 1847 provides that a 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. The Council has the 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 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.

It was noted that the vehicle has a valid MOT until September 2019 and the advisories highlighted at the time were rectified. The vehicle passed a recent taxi inspection, and advisories were rectified. Most issues raised by the Licensing Officer following her inspection has been rectified.

The Applicant attended the hearing to support his application.

Resolved

The Skoda Octavia vehicle registration SP58 YVM 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 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, is fit for use for the general public and paying customers.

**43. EXCLUSION OF THE PUBLIC AND PRESS-LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Resolved

That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting of the particular item(s) on the grounds that it involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

**44. APPLICATION FOR A COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Committee considered an appeal against the refusal of an application for a combined hackney carriage and private hire drivers' licence.

Following consideration of the agenda report and the associated appendices together with the oral evidence provided at the Hearing it was

Resolved

The appeal be upheld, and the combined Private Hire/Hackney Carriage Licence application be approved.

Reason for the Decision

The case was considered on its own merits and whilst the decision means that the Committee is deviating away from Council Policy, the Committee was satisfied that on the evidence provided at the Hearing that the appellant sufficiently demonstrated that he is a fit and proper person. By a unanimous decision, the Committee considered there were no grounds to dismiss the appeal.

CLLR J PETHERICK  
Chairman

This page is intentionally left blank

TEIGNBRIDGE DISTRICT COUNCIL

**REGULATORY & APPEALS COMMITTEE**

CHAIRMAN: Cllr Petheridge

**DATE:** 10<sup>th</sup> September 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 grant 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*

## TEIGNBRIDGE DISTRICT COUNCIL

*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 Volkswagen Sharan , registration EY55 OUD, the applicant wishes the Committee to consider, was first registered on 1<sup>st</sup> September 2005 will be 14 years and 1 month old, if granted. The current Hackney Carriage licence expire on 24<sup>th</sup> September 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 7<sup>th</sup> July 2020 and had 2 advisories (Appendix B). Offside front tyre worn close to the legal limit/worn on edge and Central exhaust has a minor leak of exhaust gases.

At the time of writing this report the vehicle has not been booked in for the vehicle inspection at the Forde Road Depot, results will be reported at Committee.

The vehicle has been inspected by a licensing officer and is good condition inside and out. There is a small stone chip on the front number plate but it doesn't obscure the details.

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

## TEIGNBRIDGE DISTRICT COUNCIL

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**

<b>Wards affected</b>	All
<b>Contact for any more information</b>	Hayley Carpenter
<b>Background Papers (For Part I reports only)</b>	Relevant legislation and Hackney Carriage and Private Hire Regulations Hackney Carriage and Private Hire Licensing Policy
<b>Key Decision</b>	N
<b>In Forward Plan</b>	N
<b>In O&amp;S Work Programme</b>	N
<b>Community Impact Assessment attached:</b>	N
<b>Appendices attached:</b>	Appendix A - Request Appendix B - MOT History

This page is intentionally left blank



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

EY550UD

## VOLKSWAGEN SHARAN

Colour	Fuel type	Date registered
<b>Black</b>	<b>Diesel</b>	<b>1 September 2005</b>

MOT valid until  
**7 July 2020**

### MOT history

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

Date tested	Mileage	MOT test number
<b>28 June 2019</b>	<b>169,053 miles</b>	<b>6500 1274 2630</b>
<b>PASS</b>	Test location	Expiry date
		<b>7 July 2020</b>

Monitor and repair if necessary (advisories):

- **Offside Front Tyre worn close to legal limit/worn on edge (5.2.3 (e))**
- **Central Exhaust has a minor leak of exhaust gases (6.1.2 (a))**

Date tested	Mileage	MOT test number
<b>28 June 2018</b>	<b>127,446 miles</b>	<b>1060 4352 0676</b>
<b>PASS</b>	Test location	Expiry date
		<b>7 July 2019</b>

The MOT test changed on 20 May 2018

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

Date tested <b>5 July 2017</b> <b>PASS</b>	Mileage <b>94,571 miles</b>	MOT test number <b>7976 7775 8274</b>
	Test location	Expiry date <b>7 July 2018</b>
Date tested <b>6 July 2016</b> <b>PASS</b>	Mileage <b>81,974 miles</b>	MOT test number <b>4962 9545 3816</b>
	Test location	Expiry date <b>7 July 2017</b>
Date tested <b>3 July 2015</b> <b>PASS</b>	Mileage <b>72,496 miles</b>	MOT test number <b>7472 1478 5117</b>
	Test location	Expiry date <b>7 July 2016</b>
Date tested <b>8 July 2014</b> <b>PASS</b>	Mileage <b>61,555 miles</b>	MOT test number <b>2398 4928 4108</b>
	Test location	Expiry date <b>7 July 2015</b>
	Advisory notice item(s)	
	<ul style="list-style-type: none"> <li>• <b>Nearside Front Tyre worn close to the legal limit (4.1.E.1)</b></li> <li>• <b>Offside Front Tyre worn close to the legal limit (4.1.E.1)</b></li> <li>• <b>Nearside Lower Front suspension ball joint dust cover deteriorated, but preventing the ingress of dirt (2.4.G.2)</b></li> </ul>	
Date tested <b>7 July 2014</b> <b>FAIL</b>	Mileage <b>61,555 miles</b>	MOT test number <b>5759 2898 4135</b>
	Test location	

## Reason(s) for failure

- **Rear Exhaust has a major leak of exhaust gases (7.1.2)**

## 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)**
- **Nearside Lower Front suspension ball joint dust cover deteriorated, but preventing the ingress of dirt (2.4.G.2)**

Date tested  
**26 June 2013**

**PASS**

Mileage  
**51,452 miles**

Test location

MOT test number  
**9570 5777 3165**

Expiry date  
**7 July 2014**

Date tested  
**6 July 2012**

**PASS**

Mileage  
**42,761 miles**

Test location

MOT test number  
**3367 1818 2148**

Expiry date  
**7 July 2013**

## Advisory notice item(s)

- **Nearside Rear Tyre worn close to the legal limit (4.1.E.1)**
- **nearside rear tyre cracking on outer sidewall**
- **Spare tyre defective**

Date tested  
**8 July 2011**

**PASS**

Mileage  
**37,867 miles**

Test location

MOT test number  
**3780 0948 1154**

Expiry date  
**7 July 2012**

Date tested  
**7 July 2010**

**PASS**

Mileage  
**33,609 miles**

Test location

MOT test number  
**9802 3888 0121**

Expiry date  
**7 July 2011**

## 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

**7 July 2009****PASS**

Mileage

**29,587 miles**

Test location

MOT test number

**9537 9828 9154**

Expiry date

**7 July 2010**

Date tested

**8 July 2008****PASS**

Mileage

**22,761 miles**

Test location

MOT test number

**2704 4099 8168**

Expiry date

**7 July 2009****Outstanding vehicle recalls**

Check if VOLKSWAGEN SHARAN EY55OUD has outstanding recalls

TEIGNBRIDGE DISTRICT COUNCIL

**REGULATORY & APPEALS COMMITTEE**

CHAIRMAN: Cllr Petheridge

**DATE:** 10<sup>th</sup> September 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 grant 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*

## TEIGNBRIDGE DISTRICT COUNCIL

*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 Volkswagen Sharan , registration LN55 YNM, the applicant wishes the Committee to consider, was first registered on 1<sup>st</sup> September 2005 will be 14 years and 1 month old, if granted. The current Hackney Carriage licence expires on 24<sup>th</sup> September 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 28<sup>th</sup> July 2020 and has no advisories (Appendix B).

At the time of writing this report the vehicle has not been booked in for the vehicle inspection at the Forde Road Depot, results will be reported at Committee.

The vehicle has been inspected by a licensing officer. The rear offside door fabric is slightly worn and there is a small stone chip on the front number plate otherwise the vehicle is in good 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

## TEIGNBRIDGE DISTRICT COUNCIL

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**

<b>Wards affected</b>	All
<b>Contact for any more information</b>	Hayley Carpenter
<b>Background Papers (For Part I reports only)</b>	Relevant legislation and Hackney Carriage and Private Hire Regulations Hackney Carriage and Private Hire Licensing Policy
<b>Key Decision</b>	N
<b>In Forward Plan</b>	N
<b>In O&amp;S Work Programme</b>	N
<b>Community Impact Assessment attached:</b>	N
<b>Appendices attached:</b>	Appendix A - Request Appendix B - MOT History

This page is intentionally left blank



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

LN55YNM

## VOLKSWAGEN SHARAN

Colour	Fuel type	Date registered
<b>Silver</b>	<b>Diesel</b>	<b>1 September 2005</b>

MOT valid until  
**28 July 2020**

### MOT history

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

Date tested	Mileage	MOT test number
<b>26 July 2019</b>	<b>328,587 miles</b>	<b>8040 3440 9415</b>
<b>PASS</b>	Test location	Expiry date
		<b>28 July 2020</b>

Date tested	Mileage	MOT test number
<b>19 July 2018</b>	<b>281,349 miles</b>	<b>1153 3255 6078</b>
<b>PASS</b>	Test location	Expiry date
		<b>28 July 2019</b>

Repair as soon as possible (minor defects):

- **Offside Front Brake hose slightly chafed (1.1.12 (b) (i))**

Monitor and repair if necessary (advisories):

- **engine oil leak**
- **Nearside Rear Tyre worn close to legal limit/worn on edge (5.2.3 (e))**
- **Offside Front Brake disc worn, pitted or scored, but not seriously weakened (1.1.14 (a) (ii))**

**The MOT test changed on 20 May 2018**

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

Date tested  
28 July 2017

**PASS**

Mileage  
245,379 miles

Test location

MOT test number  
6758 0831 5623

Expiry date  
28 July 2018

Date tested  
27 July 2017

**FAIL**

Mileage  
245,266 miles

Test location

MOT test number  
1599 7552 3435

Reason(s) for failure

- **Nearside Front Road wheel cracked (4.2.A.1a)**  
Dangerous
- **Nearside Front Tyre tread depth below requirements of 1.6mm (4.1.E.1)**
- **Nearside Front 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)**
- **Nearside Front Macpherson strut has excessive movement at the upper attachment (2.5.A.1c)**
- **Nearside Front Subframe mounting prescribed area is excessively corroded (2.4.A.3)**
- **Offside Front Subframe mounting prescribed area is excessively corroded (2.4.A.3)**

Date tested  
27 July 2016

**PASS**

Mileage  
198,426 miles

Test location

MOT test number  
9075 3524 8502

Expiry date  
28 July 2017

Advisory notice item(s)

- **Windscreen has damage to an area less than a 10mm circle within zone 'A' (8.3.1a)**

Date tested  
26 July 2016

**FAIL**

Mileage  
198,421 miles

Test location

MOT test number  
5993 7993 4426

Reason(s) for failure

- **Nearside Rear Brake hose ferrule excessively corroded inner (3.6.B.4e)**
- **Offside Rear Brake hose ferrule excessively corroded inner (3.6.B.4e)**
- **Offside Rear Tyre tread depth below requirements of 1.6mm (4.1.E.1)**
- **Nearside Front Lower Ball joint dust cover excessively deteriorated so that it no longer prevents the ingress of dirt (2.2.C.1c)**

Advisory notice item(s)

- **Windscreen has damage to an area less than a 10mm circle within zone 'A' (8.3.1a)**
- **Offside Front side light dull**
- **Offside Front Tyre worn close to the legal limit (4.1.E.1)**
- **Nearside Front Tyre worn close to the legal limit (4.1.E.1)**

Date tested  
27 July 2015

**PASS**

Mileage  
175,808 miles

Test location

MOT test number  
6597 5800 5265

Expiry date  
28 July 2016

Date tested  
29 July 2014

**PASS**

Mileage  
168,127 miles

Test location

MOT test number  
7657 7061 4289

Expiry date  
28 July 2015

Advisory notice item(s)

- **Offside Front Brake pipe slightly corroded (3.6.B.2c)**

- **Offside Front constant velocity joint gaiter deteriorated, but preventing the ingress of dirt (2.5.C.1a)**
- **Nearside Front Tyre worn close to the legal limit (4.1.E.1)**
- **Offside Rear Seat belt damaged but not affecting the operation of the belt (5.2.2a)**

Date tested  
**24 July 2014**

**FAIL**

Mileage  
**168,127 miles**

MOT test number  
**1782 2520 4229**

Test location

Reason(s) for failure

- **Offside Headlamp aim too low (1.8)**
- **Offside Front position lamp(s) not working (1.1.A.3b)**
- **Nearside Rear Brake pipe excessively corroded (3.6.B.2c)**
- **Offside Rear Brake pipe excessively corroded (3.6.B.2c)**

Advisory notice item(s)

- **Offside Front Brake pipe slightly corroded (3.6.B.2c)**
- **Offside Front constant velocity joint gaiter deteriorated, but preventing the ingress of dirt (2.5.C.1a)**
- **Nearside Front Tyre worn close to the legal limit (4.1.E.1)**

Date tested  
**3 September 2013**

**PASS**

Mileage  
**158,974 miles**

MOT test number  
**1951 9644 3251**

Test location

Expiry date  
**2 September 2014**

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)**

- Windscreen has damage to an area less than a 10mm circle within zone 'A' (8.3.1a)
- Windscreen has damage to an area less than a 40mm circle outside zone 'A' (8.3.1d)
- Nearside Front Suspension arm has slight play in a ball joint (2.4.G.2)

Date tested  
18 July 2012

**PASS**

Mileage  
142,813 miles

Test location

MOT test number  
5083 8090 2265

Expiry date  
28 July 2013

Date tested  
17 July 2012

**FAIL**

Mileage  
142,806 miles

Test location

MOT test number  
6365 3989 2131

Reason(s) for failure

- Offside Front Headlamp aim beam image obviously incorrect (1.8.A.1b)
- Offside Front Lower Suspension arm ball joint dust cover excessively damaged so that it no longer prevents the ingress of dirt (2.4.G.2)
- Nearside Front Lower Suspension arm ball joint dust cover excessively damaged so that it no longer prevents the ingress of dirt (2.4.G.2)
- Nearside Front Track rod end ball joint dust cover excessively damaged so that it no longer prevents the ingress of dirt (2.2.C.1c)

Advisory notice item(s)

- Tyre worn close to the legal limit (4.1.E.1)
- nearside rear tyre inner edge wearing uneven to the rest of the tyre

Date tested  
21 July 2011

**PASS**

Mileage  
115,313 miles

Test location

MOT test number  
3557 6250 1417

Expiry date  
28 July 2012

Date tested  
**20 July 2010**  
**PASS**

Mileage  
**72,878 miles**  
Test location

MOT test number  
**8605 9170 0297**  
Expiry date  
**28 July 2011**

---

Date tested  
**9 July 2009**  
**PASS**

Mileage  
**56,158 miles**  
Test location

MOT test number  
**7913 2089 9161**  
Expiry date  
**28 July 2010**

---

Date tested  
**29 July 2008**  
**PASS**

Mileage  
**30,858 miles**  
Test location

MOT test number  
**8547 8121 8282**  
Expiry date  
**28 July 2009**

---

#### Outstanding vehicle recalls

Check if VOLKSWAGEN SHARAN LN55YNM has outstanding recalls

---

TEIGNBRIDGE DISTRICT COUNCIL

**REGULATORY & APPEALS COMMITTEE**

CHAIRMAN: Cllr John Petherick

**DATE:** 10<sup>th</sup> September 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 Skoda Octavia, registration DE09 HHG which the applicant wishes the Committee to consider was first registered on 27<sup>th</sup> April 2009 will be 10 years and 4 months old, if granted. The current private hire licence expires on 21<sup>st</sup> September 2019.

The current MOT expired 18<sup>th</sup> August 2019. It failed an MOT on 21<sup>st</sup> August 2019 with the following defects.

Repair immediately (major defects):

- Nearside Rear Position lamp adversely affected by the operation of another lamp (4.2.3 (c))
- Nearside Rear Position lamp not working (4.2.1 (a) (ii))
- Nearside Rear Stop lamp(s) not working (4.3.1 (a) (ii))

Repair as soon as possible (minor defects):

- Offside Rear Tyre obviously under inflated (5.2.3 (l))
- Offside Rear Lower Rear reflector defective or damaged by up to 50% of the reflecting surface (4.8.1 (a) (i))

Monitor and repair if necessary (advisories):

- Offside Rear Tyre worn close to legal limit/worn on edge (5.2.3 (e))
- Offside Front Lower Suspension arm pin or bush worn but not resulting in excessive movement Inner Perished (5.3.4 (a) (i))
- Nearside Front Lower Suspension arm pin or bush worn but not resulting in excessive movement Inner Perished (5.3.4 (a) (i))
- Nearside Rear Light cluster damaged

The vehicle is booked for its taxi test on 5<sup>th</sup> September 2019 Details will be presented to committee.

## TEIGNBRIDGE DISTRICT COUNCIL

At the time of writing this report the vehicle has not been inspected by a Licensing Officer. Details will be presented to committee.

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 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.

TEIGNBRIDGE DISTRICT COUNCIL

**Hayley Carpenter**  
**Licensing Officer**  
**Environment, Health and Wellbeing**

<b>Wards affected</b>	All
<b>Contact for any more information</b>	H Carpenter
<b>Background Papers (For Part I reports only)</b>	<i>Relevant legislation and Hackney Carriage and Private Hire Regulations</i> Hackney Carriage and Private Hire Licensing Policy
<b>Key Decision</b>	N
<b>In Forward Plan</b>	N
<b>In O&amp;S Work Programme</b>	N
<b>Community Impact Assessment attached:</b>	N
<b>Appendices attached:</b>	a) Request b) MOT History



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

## This vehicle's MOT has expired

You can be fined up to £1000 for driving without a valid MOT  
This vehicle may be MOT exempt, for more information refer to

DE09HHG

## SKODA OCTAVIA

Colour

**Blue**

Fuel type

**Diesel**

Date registered

**27 April 2009**

MOT expired on

**18 August 2019**

### MOT history

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

Date tested

**21 August 2019**

**FAIL**

Mileage

**214,836 miles**

Test location

MOT test number

**8702 6096 7195**

Repair immediately (major defects):

- **Nearside Rear Position lamp adversely affected by the operation of another lamp (4.2.3 (c))**
- **Nearside Rear Position lamp not working (4.2.1 (a) (ii))**
- **Nearside Rear Stop lamp(s) not working (4.3.1 (a) (ii))**

Repair as soon as possible (minor defects):

- **Offside Rear Tyre obviously under inflated (5.2.3 (l))**

- **Offside Rear Lower Rear reflector defective or damaged by up to 50% of the reflecting surface (4.8.1 (a) (i))**

Monitor and repair if necessary (advisories):

- **Offside Rear Tyre worn close to legal limit/worn on edge (5.2.3 (e))**
- **Offside Front Lower Suspension arm pin or bush worn but not resulting in excessive movement Inner Perished (5.3.4 (a) (i))**
- **Nearside Front Lower Suspension arm pin or bush worn but not resulting in excessive movement Inner Perished (5.3.4 (a) (i))**
- **Nearside Rear Light cluster damaged**

Date tested  
**7 August 2018**

**PASS**

Mileage  
**204,992 miles**

MOT test number  
**5249 5590 2052**

Test location

Expiry date  
**18 August 2019**

Monitor and repair if necessary (advisories):

- **Nearside Rear Shock absorbers has slight external damage to the casing cover loose (5.3.2 (b))**
- **Offside Rear Shock absorbers has slight external damage to the casing cover loose (5.3.2 (b))**
- **Nearside Front Brake disc worn, but not excessively (1.1.14 (a) (i))**
- **Offside Front Brake disc worn, but not excessively (1.1.14 (a) (i))**

Date tested  
**7 August 2018**

**FAIL**

Mileage  
**204,992 miles**

MOT test number  
**1638 4233 1993**

Test location

Repair immediately (major defects):

- **Offside Front Headlamp not working on dipped beam (4.1.1 (a) (ii))**

Monitor and repair if necessary (advisories):

- **Nearside Rear Shock absorbers has slight external damage to the casing cover loose (5.3.2 (b))**
- **Offside Rear Shock absorbers has slight external damage to the casing cover loose (5.3.2 (b))**
- **Nearside Front Brake disc worn, but not excessively (1.1.14 (a) (i))**
- **Offside Front Brake disc worn, but not excessively (1.1.14 (a) (i))**

### The MOT test changed on 20 May 2018

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

Date tested  
**10 August 2017**

**PASS**

Mileage  
**195,799 miles**

Test location

MOT test number  
**9372 5603 7884**

Expiry date  
**18 August 2018**

#### Advisory notice item(s)

- **Rear Anti-roll bar rubber bush deteriorated but not resulting in excessive movement (2.4.G.2)**
- **Nearside Rear Inner Suspension arm rubber bush deteriorated but not resulting in excessive movement smaller arm (2.4.G.2)**
- **Nearside Front Track rod end ball joint dust cover damaged, but preventing the ingress of dirt (2.2.C.1c)**
- **Front Lower Suspension arm rubber bush deteriorated but not resulting in excessive movement rear bush both sides (2.4.G.2)**

Date tested  
**9 August 2017**

**FAIL**

Mileage  
**195,785 miles**

Test location

MOT test number  
**6878 4781 9110**

Reason(s) for failure

- **Front Shock absorber has a serious fluid leak both sides (2.7.3)**

Advisory notice item(s)

- **Rear Anti-roll bar rubber bush deteriorated but not resulting in excessive movement (2.4.G.2)**
- **Nearside Rear Inner Suspension arm rubber bush deteriorated but not resulting in excessive movement smaller arm (2.4.G.2)**
- **Nearside Front Track rod end ball joint dust cover damaged, but preventing the ingress of dirt (2.2.C.1c)**
- **Front Lower Suspension arm rubber bush deteriorated but not resulting in excessive movement rear bush both sides (2.4.G.2)**

Date tested  
**19 August 2016**

**PASS**

Mileage  
**189,878 miles**

MOT test number  
**5595 5601 8864**

Test location

Expiry date  
**18 August 2017**

Advisory notice item(s)

- **Offside Outer Front constant velocity joint gaiter damaged, but preventing the ingress of dirt (2.5.C.1a)**
- **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  
**11 August 2015**

**PASS**

Mileage  
**170,715 miles**

MOT test number  
**4968 7081 5750**

Test location

Expiry date  
**10 August 2016**

Advisory notice item(s)

- **under covers fitted**
- **engine covers fitted**
- **Windscreen has damage to an area less than a 40mm circle outside zone 'A' (8.3.1d)**

Date tested  
**10 August 2015**

**FAIL**

Mileage  
**170,712 miles**

Test location

MOT test number  
**9795 5245 2758**

Reason(s) for failure

- **Offside Side repeater not working (1.4.A.2c)**
- **Offside Obligatory mirror seriously damaged, affecting the rear view (8.1.2a)**
- **Nearside Front 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)

- **under covers fitted**
- **engine covers fitted**

Date tested  
**28 August 2014**

**PASS**

Mileage  
**148,133 miles**

Test location

MOT test number  
**4871 8094 4258**

Expiry date  
**23 September 2015**

Date tested  
**26 August 2014**

**FAIL**

Mileage  
**148,133 miles**

Test location

MOT test number  
**4370 7823 4291**

Reason(s) for failure

- **Supplementary Restraint System warning lamp indicates a fault (5.4.2)**

Date tested  
**24 September 2013**

**PASS**

Mileage  
**125,920 miles**

Test location

MOT test number  
**5482 0776 3268**

Expiry date  
**23 September 2014**

Date tested  
**24 September 2013**

**FAIL**

Mileage  
**125,920 miles**

Test location

MOT test number  
**3855 8766 3258**

## Reason(s) for failure

- **Nearside Headlamp aim too high (1.8)**

---

Date tested  
**20 April 2012**

**PASS**

Mileage  
**97,411 miles**

Test location

MOT test number  
**2071 9161 2126**

Expiry date  
**27 April 2013**

---

**Outstanding vehicle recalls**

Check if SKODA OCTAVIA DE09HHG has outstanding recalls

---