

REGULATORY & APPEALS COMMITTEE

5 NOVEMBER 2019

Present:

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

Officers in Attendance:

Mark Waddams, Senior Arboricultural Officer
Debbie Rosenveldt, Licensing Assistant
Trish Corns, Democratic Services Officer

60. MINUTES

The minutes of the meeting held on the 23 September, 2019 and 30 September, 2019 were approved as a correct record and signed by the Chairman.

61. DECLARATIONS OF INTEREST.

None.

62. HACKNEY CARRIAGE VEHICLE EXTENSION WF08 LJE

Consideration was given to an application for a Hackney Carriage Vehicle Licence renewal and extension for a Seat Alahambra Vehicle Registration WF08 LJE. The vehicle is 11 years and 7 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 introduced the report and it was noted that the vehicle has a current MOT until 22 November 2020. The taxi inspection test was booked.

The Applicant attended the hearing to support his application, and confirmed that the nearside tyre would be replaced.

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 Seat Alahambra Vehicle Registration WF08 LJE be approved for a 12 month renewable Hackney Carriage Vehicle Licence, in accordance with legislation subject to passing the six monthly taxi inspection test and the vehicle passing a taxi inspection test this month.

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 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, which is of good condition, was fit for use for the general public and paying customers.

63. PRIVATE HIRE VEHICLE EXTENSION S16 EXC

Consideration was given to an application for a Private Hire Vehicle Licence renewal and extension for an LDV Maxus Minibus Vehicle Registration S16 EXC. The vehicle is 10 years and 11 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 introduced the report and it was noted that the vehicle has a current MOT until 16 October 2020 with no advisories. The vehicle had also passed the Council's vehicle inspection test on 27 September 2019.

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 LDV Maxus Minibus Vehicle Registration S16 EXC be approved for a 12 month renewable Private Hire Vehicle Licence, in accordance with legislation subject to passing six monthly taxi inspection 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 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, which is of good condition, was fit for use for the general public and paying customers.

64. THE DISTRICT OF TEIGNBRIDGE (SHALDON ROAD), NEWTON ABBOT TREE PRESERVATION ORDER 2019

Consideration was given to the confirmation of the provisional Tree Preservation Order (TPO) which was served on the 12 July 2019 and would cease on 12 January 2020. The District of Teignbridge Tree Preservation Order (Shaldon Road) 2019 protects a linear group of trees, of approximately a hundred, located within and adjacent to land to the north of Shaldon Road, Newton Abbot.

The Committee considered all written representations received in relation to the trees and their amenity value. Members also considered an oral submissions from an interested party, and photographic evidence of the trees presented by the Council's Arboricultural Officer.

4 letters of objection and 5 comments were received. Objections were summarised in the report circulated with the agenda, and particularly related to health and safety issues, such as, the trees being in poor condition, potentially dangerous, require pruning, root systems are lifting tarmac on footpaths, and detritus from the trees making the footpaths slippery.

One objector attended the Hearing who explained that she wasn't objecting to the TPO as such but she and her neighbours were concerned as to why it had been made so quickly especially as there are nine or so trees behind her and a neighbour's house, a couple of which are in the neighbours gardens.

The Committee heard from the Council's Arboricultural Officer who explained that the TPO was being made fairly quickly due to loss of some trees already and complaints about these losses. The Council is looking to preserve the feature. The TPO does not affect the duty of the tree owners to undertake inspections, maintenance and management of the trees. The Council would always look upon applications to undertake maintenance on the trees sympathetically to increase light level and abate damage to foot paths. Trees

are natural organisms and debris from trees along with birds fouling is a natural occurrence and removing this is a maintenance task rather than a reason to remove the trees. He also advised that there was ongoing issues relating to boundaries and it was considered the protection of the trees, and their amenity value for the area and wider landscape was a priority.

The Committee considered the trees provided a high amenity vale and was an asset to the local area and landscape. The protection of the trees 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 considered the group of trees are highly visible and contribute to the visual amenity of the area. The loss of the trees would have a detrimental impact upon the visual amenity of the area. The trees have a visual amenity rating of 17 and the suitable benchmark for inclusion within a tree preservation order is 15.

CLLR J. PETHERICK
Chairman