

20 January 2020

REGULATORY & APPEALS COMMITTEE

A meeting of the **Regulatory & Appeals Committee** will be held on **Tuesday, 28th January, 2020** 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 - 4)
To approve and sign the minutes of the meeting held on 8 January 2020.
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. **Hackney Carriage Vehicle Extension WN08 LSJ**

(Pages 5 - 12)

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

REGULATORY & APPEALS COMMITTEE**8 JANUARY 2020****Present:**

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

Apologies:

Councillors J Petherick and Russell

Officers in Attendance:

Marie Downey, Solicitor
Debbie Rosenveldt, Licensing Officer
Beth Tipton, Administrative Assistant
Trish Corns, Democratic Services Officer

1. MINUTES

The minutes of the meeting held on the 3 December, 2019 were approved as a correct record and signed by the Chairman.

2. DECLARATIONS OF INTEREST.

None.

3. REQUEST FOR A SMALL PLATE FOR A PRIVATE HIRE VEHICLE LN15 LVT

Consideration was given to an application to display a small plate for a Black Mercedes Benz, vehicle registration LN15 LVT, registered as a Private Hire Vehicle.

The Committee adjourned to inspect the vehicle. During the vehicle inspection the Licensing Officer advised the location on the rear of the vehicle for the small plate, and it was agreed that the Licensing Officer confirm this detail with the Applicant. 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 valid MOT and has a valid licence until 27 November 2020.

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.

The applicant's representative 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.

Resolved

The application to display a small plate on vehicle Black Mercedes Benz, vehicle registration LN15 LVT be approved.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representation by the Licensing Officer and having heard the applicant's description of his business and the work that it entails, the Committee considered the resolution above would be best suited to the applicant whilst meeting the Council's licensing responsibilities.

CLLR R. HAYES
Chairman

TEIGNBRIDGE DISTRICT COUNCIL
REGULATORY AND APPEALS COMMITTEE

28 JANUARY 2020

PART I

Report Title	Hackney Carriage Vehicle Extension
Purpose of Report	The Committee is asked to consider a request to renew and extend a Hackney Carriage vehicle licence for a further 12 months
Recommendation(s)	The Committee RESOLVES to: (1) To grant; or (2) Refuse
Financial Implications	Standard paragraph in this report – see 3.1 of report Email: andrea.furness@teignbridge.gov.uk
Legal Implications	As stated in 3.2 of report Email: andrea.furness@teignbridge.gov.uk
Risk Assessment	Implications should a vehicle be approved that is not fit for use for the public. Andrea Furness, Licensing Manager Email: andrea.furness@teignbridge.gov.uk
Environmental/ Climate Change Implications	N/A
Report Author	Debbie Rosenveldt, Licensing Officer licensing@teignbridge.gov.uk
Portfolio Holder	Waste Management & Environmental Health - Alistair Dewhirst
Appendices / Background Papers	A: MOT history <ul style="list-style-type: none"> • Relevant legislation and Hackney Carriage and Private Hire Regulations • Hackney Carriage and Private Hire Licensing Policy

1. INTRODUCTION / 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 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.

1.1 REQUEST

The vehicle, an Alfa Romeo 159 registration WN08 LSJ which the applicant wishes the Committee to consider, was first registered on 28 March 2008 and will be 12 years if granted. The current Hackney Carriage licence expires on 17 February 2020. The vehicle will no longer meet the Council's licensing policy as it is now more than 10 years old.

The vehicle has a current MOT that expires on the 28 March 2020 with no advisories and is taxed until 1 April 2020.

The vehicle has been inspected by a Licensing Officer on 10 January 2020. Apart from a small paint chip below the rear number plate the vehicle is in excellent condition both inside and out. Since 2016 the vehicle has passed its MOT without any advisories.

The vehicle is booked for its annual inspection at the Depot on 23 January 2020, details will be available to Committee members at the hearing.

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.

1.2 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.’

2. IMPLICATIONS, RISK MANAGEMENT & CLIMATE CHANGE IMPACT

3.1 Financial

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

3.2 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.

3.3 Risks

Implications should a vehicle be approved that is not fit for use for the public.

3.4 Environmental/Climate Change Impact

4. ALTERNATIVE 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.

5. CONCLUSION

Having taken into consideration all the details in this report, the representation made by the proprietor of the vehicle and having had sight of the vehicle, the Committee consider this vehicle to be issued with a plate that would indicate this vehicle has been deemed fit for purpose by Teignbridge District Council. The Committee to decide which option above to approve.

APPENDIX B



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

WN08LSJ

ALFA ROMEO 159

Colour	Fuel type	Date registered
Silver	Diesel	28 March 2008

MOT valid until
28 March 2020

MOT history

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

Date tested	Mileage	MOT test number
12 March 2019	172,808 miles	2721 2092 5998
PASS	Test location	Expiry date
		28 March 2020

The MOT test changed on 20 May 2018

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

Date tested	Mileage	MOT test number
21 March 2018	162,627 miles	5087 2958 8587
PASS	Test location	Expiry date
		28 March 2019

Date tested	Mileage	MOT test number
22 March 2017	163,303 miles	4427 6335 3872
PASS	Test location	Expiry date

28 March 2018Date tested
2 March 2016**PASS**Mileage
135,557 miles

Test location

MOT test number
8259 8502 7899Expiry date
28 March 2017Date tested
2 March 2016**FAIL**Mileage
135,557 miles

Test location

MOT test number
2679 5437 7635

Reason(s) for failure

- **Nearside Front Tyre not fitted in accordance with side wall instructions (4.1.D.1f)**
- **Offside Front Tyre not fitted in accordance with side wall instructions (4.1.D.1f)**

Date tested
27 March 2015**PASS**Mileage
111,206 miles

Test location

MOT test number
4585 8658 5013Expiry date
28 March 2016Date tested
19 March 2014**PASS**Mileage
82,573 miles

Test location

MOT test number
7753 7837 4030Expiry date
28 March 2015Date tested
28 March 2013**PASS**Mileage
60,675 miles

Test location

MOT test number
4560 9758 3021Expiry date
28 March 2014

Advisory notice item(s)

- **Windscreen has damage to an area less than a 10mm circle within zone 'A' (8.3.1a)**
- **Items removed from driver's view prior to test**

- **Under-trays fitted obscuring some underside components**
- **Engine covers fitted obscuring some components in the engine bay**
- **both head lights low (bottom end of spec)**

Date tested
28 March 2013

FAIL

Mileage
60,674 miles

Test location

MOT test number
9063 9768 3003

Reason(s) for failure

- **Offside rear brake binding (3.7.B.1)**
- **Offside Rear An item not tested (Manual)**

Advisory notice item(s)

- **Windscreen has damage to an area less than a 10mm circle within zone 'A' (8.3.1a)**
- **Items removed from driver's view prior to test**
- **Under-trays fitted obscuring some underside components**
- **Engine covers fitted obscuring some components in the engine bay**
- **both head lights low (bottom end of spec)**

Date tested
14 March 2012

PASS

Mileage
53,783 miles

Test location

MOT test number
8695 2407 2027

Expiry date
28 March 2013

Date tested
14 March 2012

FAIL

Mileage
53,783 miles

Test location

MOT test number
9494 4457 2035

Reason(s) for failure

- **Nearside Headlamp aim too low (1.8)**
- **Offside Headlamp aim too low (1.8)**

Date tested
14 March 2012

Mileage
53,780 miles

MOT test number
2397 6427 2055

FAIL

Test location

Reason(s) for failure

- **Nearside Headlamp aim too low (1.8)**
- **Offside Headlamp aim too low (1.8)**
- **Offside Rear Passenger's seat cannot be secured in the upright position. (6.2.A.2)**

Date tested
4 March 2011Mileage
41,661 milesMOT test number
7957 3306 1027**PASS**

Test location

Expiry date
28 March 2012**Outstanding vehicle recalls**

Check if ALFA ROMEO 159 WN08LSJ has outstanding recalls