

13 September 2019

REGULATORY & APPEALS COMMITTEE

A meeting of the **Regulatory & Appeals Committee** will be held on **Monday, 23rd September, 2019** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.30 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 - 6)
To approve and sign the minutes of the meeting held on 10 September 2019.
3. **Declarations of Interest.**
4. **Matters of urgency/matters of report especially brought forward with the permission of the Chairman.**

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

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

RECOMMENDED 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 involves the likely disclosure of exempt information as defined in paragraphs 1,2 and 4 of Part 1 of Schedule 12A of the Act.

6. **Appeal Against Dismissal**

The Committee to give consideration to a report on an appeal against dismissal.

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

REGULATORY & APPEALS COMMITTEE

10 SEPTEMBER 2019

Present:

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

Members in Attendance:

Councillors

Apologies:

Councillors Evans and Russell

Officers in Attendance:

Marie Downey, Solicitor

Hayley Carpenter, Licensing Officer

Shirley Clark, Democratic Services Support

Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

45. MINUTES

The minutes of the meeting held on the 16th July 2019 were conformed as a correct record and signed by the chairman.

46. DECLARATIONS OF INTEREST.

There were no declarations of interest

47. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE EXTENSION H151

Consideration was given to an application for a Hackney Carriage Vehicle Licence renewal and extension for a Volkswagen Sharan Vehicle Registration EY55 OUD. The vehicle is over 14 years being registered on 1st September 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 has a current MOT that expires on the 7th July 2020 and had 2 advisories, Offside front tyre worn close to legal/worn limit on edge and central exhaust has a minor leak of exhaust gases. These have been rectified.

That the vehicle inspection report was presented to the committee and no advisories were reported.

That the vehicle has been inspected by a licensing officer and is in good condition inside and out.

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

Resolved

The Volkswagen Sharan registration EY55 OUD be approved for a 12 month renewable Hackney 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

48. APPLICATION FOR A HACKNEY VEHICLE CARRIAGE VEHICLE EXTENSION. H152

The Committee considered an application for a Hackney Carriage Vehicle Licence renewal and extension for a Volkswagen Sharan Vehicle registration LN55 YNM. The vehicle is 14 years old being registered on 1st September 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 taxi inspection test.

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.

Resolved

The Volkswagen Sharan Vehicle registration LN55 YNM 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.

49. APPLICATION FOR A PRIVATE HIRE VEHICLE EXTENSION P231

Consideration was given to an application for a Private Hire Vehicle Licence renewal and extension for a Skoda Octavia Vehicle Registration DE09 HHG. The vehicle is over 10 years being registered in April 2009. The current private hire licence expires on the 21st September 2019. 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.

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The committee noted that the vehicle's MOT expired on the 18th August 2019. It failed an MOT on the 21st August with a number of defects but all had now been resolved.

The vehicle has also passed the Taxi test with no advisories.

Resolved

The Skoda Octavia, registration DE09 HHG to be approved for a 12 month renewable Hackney Carriage Vehicle Licence, in accordance with legislation subject to four 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.

The meeting started at 10.00 am and finished at 11.15 am.

Chairman