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5 April 2023

## LICENSING AND REGULATORY SUB-COMMITTEE

A meeting of the **Licensing and Regulatory Sub-Committee** will be held on **Tuesday, 18th April, 2023** in the **King Charles Room - Old Forde House** at **10.00 am**

PHIL SHEARS  
Managing Director

### **Membership:**

Councillors D Cox, Hayes (Chair) 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 meeting room you are consenting to being filmed.

## **A G E N D A**

### **Part I**

1. **Apologies**
2. **Declarations of Interest (if any)**
3. **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

Should the Committee wish to exclude the press and public during consideration of the items on this agenda, 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.

4. **Request for Hackney Carriage Vehicle Extension for further 12 Months - RO10 VVP** (Pages 3 - 28)
5. **Request for Hackney Carriage Vehicle Extension for further 12 Months - TD11 CAB** (Pages 29 - 44)

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# TEIGNBRIDGE DISTRICT COUNCIL

## LICENSING AND REGULATORY SUB COMMITTEE

18 April 2023

### PART I

<b>Report Title</b>	<b>Request for Hackney Carriage Vehicle Extension for further 12 months RO10 VVP White Vauxhall Insignia</b>
<b>Purpose</b>	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.
<b>Applicant</b>	Mr Md Z Hussain
<b>Options</b>	The Committee may: a. Grant the request, with or without conditions; or b. Refuse the request.
<b>Report Author</b>	Debbie Rosenveldt, Licensing Officer licensing@teignbridge.gov.uk
<b>Appendices / Background Papers</b>	A: Request for extension B: MOT history C: Photographs

#### 1. APPLICATION DETAILS

- 1.1 Vehicle first registered – 17 July 2010  
Age of vehicle, if granted - 12 years and 9 months  
Hackney Carriage licence expires – 22 April 2023

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 on 30 August 2023 with no advisories.
- 1.3 Vehicle inspection booked at the Depot – date to be advised.
- 1.4 **Licensing Officer:**  
Vehicle checked –

At the time of writing this report the vehicle had not been inspected by a licensing officer.

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.

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## **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 22<sup>nd</sup> April 2023. The vehicle is in excellent mechanical and physical condition inside and out. My vehicle is only used for taxi work at the weekends and I maintain it to a very high standard. In the current financial climate I cannot afford to replace it with a vehicle that is under 5 years old. I hope the committee will look favourably on my request.

I will be happy to bring it to the council for an officer to inspect before the committee hearing.

I work during the week so will not be able to attend the committee hearing in person but will happily arrange for my car to be there should you wish to inspect it yourselves.

Yours faithfully

Md Zahed Hussain

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## Check MOT history

This is a new service – [Complete a quick survey](https://www.smvrm=RO10VVP&make_result=VAUXHALL&model_result=INSIGNIA&r16&vehicle_age=4646&mot_expiry_date=2023-08-30&mot_expiry_date_days_left=147&user_satisfaction_banner=0&veh) (https://www.smvrm=RO10VVP&make\_result=VAUXHALL&model\_result=INSIGNIA&r16&vehicle\_age=4646&mot\_expiry\_date=2023-08-30&mot\_expiry\_date\_days\_left=147&user\_satisfaction\_banner=0&veh) to help us improve.

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[< Back](#)

**RO10 VVP**

**VAUXHALL INSIGNIA**

[Check another vehicle \(/\)](#)

Colour

**White**

Fuel type

**Diesel**

Date registered

**16 July 2010**

MOT valid until

**30 August 2023**

[Get an MOT reminder \(https://www.gov.uk/mot-reminder\)](https://www.gov.uk/mot-reminder) by email or text.

[Download test certificates \(/enter-v5c?registration=RO10VVP\)](/enter-v5c?registration=RO10VVP)

If you think the MOT expiry date or any of the vehicle details are wrong: [contact DVSA \(https://www.gov.uk/getting-an-mot/correcting-mot-certificate-mistakes\)](https://www.gov.uk/getting-an-mot/correcting-mot-certificate-mistakes).

 [Show all sections](#)

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## MOT history

Check mileage recorded at test, expiry date, and test outcome

 [Hide](#)

Date tested

**24 August 2022**

**PASS**

Mileage

**251,789 miles**

Test location

 [View test location](#)

MOT test number

**6221 1214 4229**

Expiry date

**30 August 2023**

---

Date tested

10

25 August 2021

**PASS**

Mileage

**226,596 miles**

Test location

▶ [View test location](#)

MOT test number

**3689 8087 3862**

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**

▶ [What are advisories?](#)

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Date tested

**28 August 2020**

**PASS**

Mileage  
**201,125 miles**

Test location

▶ [View 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?**

▶ [What are advisories?](#)

---

Date tested  
**30 August 2019**

**PASS**

Mileage  
**188,690 miles**

Test location

▶ [View 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

▶ [View 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))**

▶ [What are defects?](#)

---

Date tested  
**31 August 2018**

**PASS**

Mileage  
**163,429 miles**

Test location

▶ [View 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. [Find out more](#)

(<https://www.gov.uk/government/news/mot-changes-20-may-2018>).

---

Date tested

**1 August 2017**

**PASS**

Mileage

**148,142 miles**

Test location

▶ [View 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)<sub>1</sub> wearing thin (3.5.1g)**

▶ [What are advisories?](#)

---

Date tested

**20 June 2016**

**PASS**

Mileage

**132,767 miles**

Test location

▶ [View test location](#)

MOT test number

**9490 4216 0447**

Expiry date

**16 July 2017**

---

Date tested

**22 June 2015**

**PASS**

Mileage

**99,661 miles**

Test location

▶ [View test location](#)

MOT test number

**9691 0397 5177**

Expiry date

**16 July 2016**

Advisory notice item(s)

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

▶ [What are advisories?](#)

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Date tested

**17 June 2014**

**PASS**

Mileage

**73,026 miles**

Test location

▶ [View test location](#)

MOT test number

**9693 5806 4145**

Expiry date

**16 July 2015**

---

Date tested

**3 July 2013**

**PASS**

Mileage

**66,334 miles**

Test location

▶ [View test location](#)

MOT test number



**8566 5418 3196**

Expiry date

**16 July 2014**

Advisory notice item(s)

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

▶ [What are advisories?](#)

---

Date tested

**3 July 2013**

**FAIL**

Mileage

**66,334 miles**

Test location

▶ [View test location](#)

MOT test number

**6162 6448 3125**

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**

▶ [What are failures and advisories?](#)

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## Check for vehicle recalls

See if VAUXHALL INSIGNIA RO10VVP has outstanding recalls

 [Show](#)

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[MOT history API](#) [Service status](#)

Built by the [Driver & Vehicle Standards Agency](#).

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## TEIGNBRIDGE DISTRICT COUNCIL

### LICENSING AND REGULATORY SUB COMMITTEE

18 April 2023

#### PART I

<b>Report Title</b>	<b>Request for Hackney Carriage Vehicle Extension for further 12 months TD11 CAB Blue Citroen Berlingo</b>
<b>Purpose</b>	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.
<b>Applicant</b>	Mr G Dunn
<b>Options</b>	The Committee may: a. Grant the request, with or without conditions; or b. Refuse the request.
<b>Report Author</b>	Debbie Rosenveldt, Licensing Officer licensing@teignbridge.gov.uk
<b>Appendices / Background Papers</b>	A: Request for extension B: MOT history C: Photographs

#### 1. APPLICATION DETAILS

- 1.1 Vehicle first registered – 27 September 2012  
Age of vehicle, if granted - 10 years and 7 months  
Hackney Carriage licence expires – 28 April 2023

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 on 3 October 2023 with 3 advisories.
- 1.3 Vehicle inspection booked at the Depot for 12 April 23 – details to be provided at the hearing.
- 1.5 **Licensing Officer:**  
Vehicle checked –

At the time of writing this report the vehicle had not been inspected by a licensing officer.

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.

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Taxi plate for TD11 CAB

777333 Taxis would like to plate TD11CAB for another year for the following reasons;

1. The car is still clean and in good condition to run as a taxi despite being 10 years old. Until the last 5 years it had light usage as a taxi
2. It will mean that we can continue to enable one of our drivers to taxi on a Friday, Saturday and Sunday night. This is a time when there is often not enough drivers /Taxis working.
3. One of our drivers is retiring from his full time job to work more hours in the taxi. This will enable us to provide an additional taxi to the community for a couple of days a week

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## Check MOT history

This is a new service – [Complete a quick survey](https://www.smvrm=TD11CAB&make_result=CITROEN&model_result=BERLINGO&n27&vehicle_age=3842&mot_expiry_date=2023-10-03&mot_expiry_date_days_left=181&user_satisfaction_banner=0&veh) (https://www.smvrm=TD11CAB&make\_result=CITROEN&model\_result=BERLINGO&n27&vehicle\_age=3842&mot\_expiry\_date=2023-10-03&mot\_expiry\_date\_days\_left=181&user\_satisfaction\_banner=0&veh) to help us improve.

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[< Back](#)

**TDII CAB**

**CITROEN BERLINGO**

[Check another vehicle \(/\)](#)

Colour

**Blue**

Fuel type

**Diesel**

Date registered

**27 September 2012**

MOT valid until

**3 October 2023**

[Get an MOT reminder \(https://www.gov.uk/mot-reminder\)](https://www.gov.uk/mot-reminder) by email or text.

[Download test certificates \(/enter-v5c?registration=TD11CAB\)](/enter-v5c?registration=TD11CAB)

If you think the MOT expiry date or any of the vehicle details are wrong: [contact DVSA \(https://www.gov.uk/getting-an-mot/correcting-mot-certificate-mistakes\)](https://www.gov.uk/getting-an-mot/correcting-mot-certificate-mistakes).

 [Show all sections](#)

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## MOT history

Check mileage recorded at test, expiry date, and test outcome

 [Hide](#)

Date tested

**30 September 2022**

**PASS**

Mileage

**127,604 miles**

Test location

 [View test location](#)

MOT test number

**9306 3411 4584**

Expiry date

**3 October 2023**

Monitor and repair if necessary (advisories):

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

▶ [What are advisories?](#)

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Date tested

**1 October 2021**

**PASS**

Mileage

**97,823 miles**

Test location

▶ [View test location](#)

MOT test number

**7925 7240 7649**

Expiry date

**3 October 2022**

Monitor and repair if necessary (advisories):

- **o/s/r brake binding slightly**
- **Nearside Front Lower Suspension arm pin or bush worn but not resulting in excessive movement (5.3.4 (a) (i))**
- **Nearside Front Lower Suspension arm ball joint has slight play (5.3.4 (a) (i))**
- **Nearside Front Service brake fluctuating, but not excessively (1.2.1 (e))**

- **Offside Front Service brake fluctuating, but not excessively (1.2.1 (e))**

▶ [What are advisories?](#)

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Date tested

**30 September 2021**

**FAIL**

Mileage

**97,819 miles**

Test location

▶ [View test location](#)

MOT test number

**6076 1854 2827**

Repair immediately (major defects):

- **Nearside Front Upper Macpherson strut mounting damaged and seriously weakened (5.3.3 (b) (i))**

Repair as soon as possible (minor defects):

- **Nearside Front Lower Suspension arm ball joint dust cover severely deteriorated (5.3.4 (b) (i))**

Monitor and repair if necessary (advisories):

- **o/s/r brake binding slightly**
- **Nearside Front Lower Suspension arm pin or bush worn but not resulting in excessive movement (5.3.4 (a) (i))**
- **Nearside Front Lower Suspension arm ball joint has slight play (5.3.4 (a) (i))**
- **Nearside Front Service brake fluctuating, but not excessively (1.2.1 (e))**

- **Offside Front Service brake fluctuating, but not excessively (1.2.1 (e))**

▶ [What are defects and advisories?](#)

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Date tested

**17 September 2020**

**PASS**

Mileage

**75,296 miles**

Test location

▶ [View test location](#)

MOT test number

**2313 7478 4221**

Expiry date

**3 October 2021**

Monitor and repair if necessary (advisories):

- **Nearside Front Lower Suspension arm pin or bush worn but not resulting in excessive movement (5.3.4 (a) (i))**

▶ [What are advisories?](#)

---

Date tested

**15 September 2020**

**FAIL**

Mileage

**75,268 miles**

Test location

▶ [View test location](#)

MOT test number

**1828 3962 0591**

Repair immediately (major defects):

- **Offside Front Lower Suspension arm pin or bush excessively worn (5.3.4 (a) (i))**
- **Nearside Front Anti-roll bar linkage ball joint dust cover no longer prevents the ingress of dirt (5.3.4 (b) (ii))**

Monitor and repair if necessary (advisories):

- **Nearside Front Lower Suspension arm pin or bush worn but not resulting in excessive movement (5.3.4 (a) (i))**

▶ [What are defects and advisories?](#)

---

Date tested

**4 October 2019**

**PASS**

Mileage

**49,138 miles**

Test location

▶ [View test location](#)

MOT test number

**6578 9809 1492**

Expiry date

**3 October 2020**



Monitor and repair if necessary (advisories):

- **Offside Rear Tyre worn close to legal limit/worn on edge (5.2.3 (e))**
- **Nearside Front Tyre worn close to legal limit/worn on edge (5.2.3 (e))**
- **interior trim has movement when handbrake is operated**

▶ [What are advisories?](#)

---

Date tested

**4 October 2019**

**FAIL**

Mileage

**49,138 miles**

Test location

▶ [View test location](#)

MOT test number

**8480 7097 4481**

Repair immediately (major defects):

- **Parking brake lever defective so that it cannot be satisfactorily operated (1.1.6 (d))**

Monitor and repair if necessary (advisories):

- **Offside Rear Tyre worn close to legal limit/worn on edge (5.2.3 (e))**
- **Nearside Front Tyre worn close to legal limit/worn on edge (5.2.3 (e))**
- **interior trim has movement when handbrake is operated**

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