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23 May 2022

## LICENSING AND REGULATORY COMMITTEE

A meeting of the **Licensing and Regulatory Committee** will be held on **Tuesday, 31st May, 2022** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **11.30 am** or on the rising of the Executive.

PHIL SHEARS  
Managing Director

### **Membership:**

To be confirmed following Full Council.

**Please Note:** Filming is permitted during the 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**
2. **Appointment of Chair**
3. **Appointment of Vice Chair**
4. **Declarations of Interest (if any)**

5. **Minutes**

(Pages 3 - 4)

To approve the Minutes of the Meeting held on 5 April 2022.

6. **Application for a Hackney Carriage Vehicle Licence Extension - KV09 WPK** (Pages 5 - 20)
7. **Request for Private Hire Vehicle Licence for Vehicle over 5 years - WJ17 XRK** (Pages 21 - 34)

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)

**LICENSING AND REGULATORY COMMITTEE****TUESDAY, 5 APRIL 2022**Present:

Councillors Hayes (Chair), Bradford, Clarence, D Cox, Evans, Kerswell, J Petherick and Goodman-Bradbury

Apologies:

Councillors Austen and Rollason

Officers in Attendance:

Legal Assistant

Trainee Democratic Services Officer

**22. APOLOGIES**

Apologies received from Councillors Austen and Rollason.

**23. ELECTION OF CHAIR**

It was proposed by Cllr Evans and seconded by Cllr D Cox that Cllr Hayes be elected Chair of the Licensing and Regulatory Committee.

The vote was unanimous.

RESOLVED that Cllr Hayes be elected as Chair of the Licensing and Regulatory Committee.

**24. MINUTES**

The Minutes of the Licensing and Regulatory Committee held on the 20<sup>th</sup> October 2021 and the Licensing and Regulatory Sub-Committee held on the 9<sup>th</sup> November 2021 were approved as a correct record and signed by the Chair.

Cllr R Hayes  
Chair

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# TEIGNBRIDGE DISTRICT COUNCIL

## LICENSING AND REGULATORY COMMITTEE

31 May 2022

### PART I

<b>Report Title</b>	<b>Request for Hackney Carriage Vehicle Extension for further 12 months KV09 WPK Silver Mercedes E220</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 Alipour
<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 certificate C: Photographs

#### 1. APPLICATION DETAILS

- 1.1 Vehicle first registered – 30 March 2009  
Age of vehicle, if granted - 13 years and 2 months  
Hackney Carriage licence expires – 10 June 2022

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 – 26 April 2023 with no advisories.
- 1.3 Vehicle inspection booked at the Depot for 25 May – details to be provided at the hearing.
- 1.4 **Licensing Officer:**  
Vehicle checked – 27 April 2022  
Officer comments: The vehicle is in excellent condition both inside and out and maintained to a high standard.

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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-----Original Message-----

From: [REDACTED]

Sent: 25 March 2022 12:06

To: Ext Mail: Licensing <licensing@Teignbridge.gov.uk>

Subject: H067 Request

Good afternoon

Please be advised that Mr Alipour would like the silver Mercedes KV09 WPK to be considered for a further yearly extension.

The vehicle are in excellent condition. He is not in the financial position to purchase further cars. He requires this vehicle to be relicensed as an additional one on standby as he has a school contract.

Best wishes

[REDACTED]

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

KV09WPK

## MERCEDES-BENZ E

Colour	Fuel type	Date registered
<b>Silver</b>	<b>Diesel</b>	<b>30 March 2009</b>

MOT valid until  
**26 April 2023**

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### MOT history

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

Date tested	Mileage	MOT test number
<b>30 March 2022</b>	<b>289,676 miles</b>	<b>7757 4608 7269</b>

**PASS**

Test location	Expiry date
	<b>26 April 2023</b>

---

Date tested	Mileage	MOT test number
<b>28 March 2022</b>	<b>289,671 miles</b>	<b>9098 2426 3748</b>

**FAIL**

Test location

Repair immediately (major defects):

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

Monitor and repair if necessary (advisories):

- **Nearside 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))**
- **Offside Front Tyre worn close to legal limit/worn on edge (5.2.3 (e))**
- **Offside Rear Tyre worn close to legal limit/worn on edge (5.2.3 (e))**

Date tested  
**15 April 2021**  
**PASS**

Mileage  
**273,896 miles**

MOT test number  
**4011 6374 8686**

Test location

Expiry date  
**26 April 2022**

Date tested  
**10 April 2021**  
**FAIL**

Mileage  
**273,896 miles**

MOT test number  
**5035 8647 8208**

Test location

Do not drive until repaired (dangerous defects):

- **Front Fuel system component leaking excessively or a risk of fire (6.1.3 (b) (ii))**

Repair immediately (major defects):

- **Front Fuel hose leaking (6.1.3 (b) (i))**
- **Rear Headlamp levelling device inoperative (4.1.5 (a))**
- **Headlamp aim not tested (4.1.2 (b))**

Monitor and repair if necessary (advisories):

- **Offside Front Play in steering rack inner joint(s) ()**
- **Nearside Front Wheel bearing has slight play (5.1.3 (a) (i))**
- **Offside Front Wheel bearing has slight play (5.1.3 (a) (i))**
- **Nearside Front Brake hose slightly deteriorated (1.1.12 (b) (ii))**
- **Offside Front Brake hose slightly deteriorated (1.1.12 (b) (ii))**

Date tested  
**27 April 2020**  
**PASS**

Mileage  
**270,141 miles**

MOT test number  
**4420 3475 7589**

Test location

Expiry date  
**26 April 2021**

Monitor and repair if necessary (advisories):

- **Nearside Rear Brake hose slightly deteriorated (1.1.12 (b) (ii))**
- **Offside Rear Brake hose slightly deteriorated (1.1.12 (b) (ii))**
- **Nearside Front Wheel bearing has slight play (5.1.3 (a) (i))**
- **Offside Front Wheel bearing has slight play (5.1.3 (a) (i))**

Date tested  
**27 April 2020**

**FAIL**

Mileage  
**270,141 miles**

MOT test number  
**5431 1841 3310**

Test location

Repair immediately (major defects):

- **Offside Front Headlamp light intensity severely reduced (4.1.4 (a))**
- **Offside Front Lower Suspension arm ball joint excessively worn spring control arm ball joint (5.3.4 (a) (i))**

Monitor and repair if necessary (advisories):

- **Nearside Rear Brake hose slightly deteriorated (1.1.12 (b) (ii))**
- **Offside Rear Brake hose slightly deteriorated (1.1.12 (b) (ii))**
- **Nearside Front Wheel bearing has slight play (5.1.3 (a) (i))**
- **Offside Front Wheel bearing has slight play (5.1.3 (a) (i))**

Date tested  
**24 April 2019**

**PASS**

Mileage  
**246,021 miles**

MOT test number  
**6563 7835 1693**

Test location

Expiry date  
**23 October 2020**

### The MOT test changed on 20 May 2018

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

Date tested  
**15 May 2018**

**PASS**

Mileage  
**216,168 miles**

MOT test number  
**5222 3915 9149**

Test location

Expiry date

10 June 2019

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Date tested  
15 May 2017

**PASS**

Mileage  
179,313 miles

Test location

MOT test number  
7519 2056 6625

Expiry date  
10 June 2018

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Date tested  
15 May 2017

**FAIL**

Mileage  
179,312 miles

Test location

MOT test number  
9712 4811 5684

Reason(s) for failure

- **Offside Windscreen washer provides insufficient washer liquid (8.2.3)**
- **rear parking (secondary) brakes imbalanced (3.7.B.6b)**

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Date tested  
25 May 2016

**PASS**

Mileage  
142,083 miles

Test location

MOT test number  
3507 1486 1072

Expiry date  
10 June 2017

Advisory notice item(s)

- **Front Brake disc's worn.**
- **Offside Front wheel bearing has slight play (2.5.A.3c)**

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Date tested  
19 May 2016

**FAIL**

Mileage  
141,936 miles

Test location

MOT test number  
3667 7533 2886

Reason(s) for failure

- **Windscreen has damage to an area in excess of a 10mm circle within zone 'A' (8.3.1a)**
- **Windscreen has a sticker or other obstruction encroaching into the swept area by more than 40mm outside zone 'A' (8.3.1e)**
- **Nearside Headlamp incorrect colour pink (1.7.5b)**

Advisory notice item(s)

- **Front Brake disc's worn.**
- **Offside Front wheel bearing has slight play (2.5.A.3c)**

Date tested  
**18 May 2015**  
**PASS**

Mileage  
**106,735 miles**

Test location

MOT test number  
**3875 5863 5190**

Expiry date  
**10 June 2016**

Advisory notice item(s)

- **Items removed from driver's view prior to test**
- 

Date tested  
**22 May 2014**  
**PASS**

Mileage  
**58,703 miles**

Test location

MOT test number  
**3372 9284 4109**

Expiry date  
**10 June 2015**

Advisory notice item(s)

- **nearside rear tyre down to 2 mm**
- 

Date tested  
**11 June 2013**  
**PASS**

Mileage  
**16,354 miles**

Test location

MOT test number  
**6753 8236 3175**

Expiry date  
**10 June 2014**

Date tested  
**18 May 2012**  
**PASS**

Mileage  
**13,058 miles**

Test location

MOT test number  
**7498 5913 2105**

Expiry date  
**17 May 2013**

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### **Outstanding vehicle recalls**

Check if MERCEDES-BENZ E KV09WPK has outstanding recalls

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# TEIGNBRIDGE DISTRICT COUNCIL

## LICENSING AND REGULATORY COMMITTEE

31 May 2022

### PART I

<b>Report Title</b>	<b>Request for Private Hire Vehicle Licence for Vehicle over 5 years. WJ17 XRK, Toyota Yaris</b>
<b>Purpose</b>	For the Committee to consider the request included in this report, representations made by the owner of the vehicle and to determine whether the vehicle is fit for purpose and should be issued with a licensed plate.
<b>Applicant</b>	<b>Mrs Rahima Rahman</b>
<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 licence B: MOT history C: Photographs

#### 1. APPLICATION DETAILS

- 1.1 Vehicle first registered – 17 March 2017  
Age of vehicle, if granted - 5 years and 3 months

The vehicle does not meet the Council's licensing policy as it is over 5 years of age.

- 1.2 MOT expires – 2 May 2023 with a standard advisory – no emissions phev - as the vehicle is a Hybrid Electric (Clean).
- 1.3 Vehicle inspection booked at the Depot for – 26 May 2022 - details to be provided at the hearing.
- 1.4 **Licensing Officer:**  
At the time of writing this report the vehicle had not been inspected by a licensing officer.

Recommendation:  
Grant the licence  
Not grant the licence

## 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.*

- 2.2 All vehicle licences are issued annually.

- 2.3 Section 48(4)(c) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

*'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.'*

- 2.4 Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 states that:

*'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.'*

- 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 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.'*

- 2.8 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 a 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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9<sup>th</sup> May 2022

## **Regulatory and Appeals Committee**

Dear Councillors

I would like to request that my vehicle is considered for licensed for private hire. The vehicle is over 5 years old by 1 month and 23 days. First registered 17<sup>th</sup> March 2017.

I have been planning on getting my private hire driver licence and plating my car since last September. I want to be able to do a school contract run like my husband. I eventually made an appointment to see Hayley Carpenter in the middle of April to help me make my application. Hayley informed me that the vehicle needed to be under 5 years old when first plated. I did not know this until she told me and I would have started the application process earlier to ensure that I could have met this requirement.

My vehicle is Toyota Yaris and a hybrid electric and is in excellent condition inside and out. It has only done 27,472 miles and passed an MOT on 3<sup>rd</sup> May with no advisories.

I can not afford to replace this vehicle with a new one as I am just starting out on this new journey. I hope you will look favourably on my application, as it was a genuine mistake not to have started the process a few months earlier.

Yours sincerely

Rahima Rahman

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

WJ17XRK

# TOYOTA YARIS

Colour  
**White**

Fuel type  
**Hybrid Electric (Clean)**

Date registered  
**17 March 2017**

MOT valid until  
**2 May 2023**

## MOT history

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

Date tested  
**3 May 2022**

**PASS**

Mileage  
**27,472 miles**

Test location

MOT test number  
**3886 3285 1170**

Expiry date  
**2 May 2023**

Monitor and repair if necessary (advisories):

- **no emissions phev**

Date tested  
**15 March 2021**

**PASS**

Mileage  
**24,864 miles**

Test location

MOT test number  
**4580 4833 1569**

Expiry date  
**16 March 2022**

Monitor and repair if necessary (advisories):

- **no emissions ,phev**

Date tested  
**17 March 2020**

**PASS**

Mileage  
**20,493 miles**

Test location

MOT test number  
**9509 7678 3972**

Expiry date  
**16 March 2021**

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

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

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### **Outstanding vehicle recalls**

Check if TOYOTA YARIS WJ17XRK has outstanding recalls

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