

E-mail: [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk)

21 April 2023

## LICENSING AND REGULATORY SUB-COMMITTEE

A meeting of the **Licensing and Regulatory Sub-Committee** will be held on **Tuesday, 2nd May, 2023** in the **Long Room, Old Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS  
Managing Director

### **Membership:**

Councillors: To be confirmed.

**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.

## **AGENDA**

### **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 - SV13 JKZ** (Pages 3 - 24)

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)

## TEIGNBRIDGE DISTRICT COUNCIL

### LICENSING AND REGULATORY SUB COMMITTEE

2 May 2023

#### PART I

<b>Report Title</b>	<b>Request for Hackney Carriage Vehicle Extension for further 12 months SV13 JKZ Silver Mercedes Benz</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>	Miss S Lucas
<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 – 21 March 2013  
Age of vehicle, if granted - 10 years and 1 month  
Hackney Carriage licence expires – 3 May 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 – 28 April 2023 with one advisory.  
1.3 Vehicle inspection booked at the Depot on 25 April 2023.

- 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.

This page is intentionally left blank

## **Regulatory and Appeals Committee**

Dear Chairman and Councillors

I would like to appeal for an extension to my vehicle SV13 JKZ, Silver Mercedes Benz.

The licence is due to expire 3<sup>rd</sup> May 2023 and will be 10 years and 1 month. The vehicle is in excellent condition inside and out.

The cost of new vehicles and those under 5 years old has significantly increased over the past few years, especially 8 seaters that are in high demand.

I hope that the committee will look favourably upon my request.

I will present my vehicle to the Licensing Officer for inspection on request so that they can confirm that it was in good physical condition.

Yours faithfully

Shannon Lucas

This page is intentionally left blank



## Check MOT history

This is a new service – [Complete a quick survey](https://www.smvrm=SV13JKZ&make_result=MERCEDES-BENZ&model_result=VITO+113+CDI+TRAVELINER&mot_first_used_21&vehicle_age=3674&mot_expiry_date=2023-04-28&mot_expiry_date_days_left=16&user_satisfaction_banner=0&vehic) (https://www.smvrm=SV13JKZ&make\_result=MERCEDES-BENZ&model\_result=VITO+113+CDI+TRAVELINER&mot\_first\_used\_21&vehicle\_age=3674&mot\_expiry\_date=2023-04-28&mot\_expiry\_date\_days\_left=16&user\_satisfaction\_banner=0&vehic) to help us improve.

[< Back](#)

**This vehicle's MOT  
expires soon**

**SVI3 JKZ**

**MERCEDES-BENZ VITO  
113 CDI TRAVELINER**

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

Colour

**Silver**

Fuel type

# Diesel

Date registered

**21 March 2013**

MOT valid until

**28 April 2023**

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

[Download test certificates \(/enter-v5c?registration=SV13JKZ\)](/enter-v5c?registration=SV13JKZ)

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](#)

---

## MOT history

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

 [Hide](#)

Date tested

**29 April 2022**

**PASS**

Mileage

**271,219 miles**

Test location

 [View test location](#)

MOT test number  
**2531 0103 9798**

Expiry date  
**28 April 2023**

Monitor and repair if necessary (advisories):

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

▶ [What are advisories?](#)

---

Date tested  
**27 April 2022**

**FAIL**

Mileage  
**271,204 miles**

Test location

▶ [View test location](#)

MOT test number  
**6310 5886 8755**

Repair immediately (major defects):

- **Offside Steering rack gaiter missing or no longer prevents the ingress of dirt (2.1.3 (g) (ii))**

Monitor and repair if necessary (advisories):

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

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

---

28 April 2021

**PASS**

Mileage

**223,930 miles**

Test location

▶ [View test location](#)

MOT test number

**9126 0653 3324**

Expiry date

**27 April 2022**

---

Date tested

**20 April 2021**

**FAIL**

Mileage

**222,478 miles**

Test location

▶ [View test location](#)

MOT test number

**3883 8331 5978**

Repair immediately (major defects):

- **Nearside Front Service brake excessively binding (1.2.1 (f))**
- **Nearside Headlamp not working on dipped beam (4.1.1 (a) (ii))**
- **Nearside Headlamp aim not tested (4.1.2 (b))**

- **Nearside Front Body component damaged and likely to cause injury (6.2.1 (a) (i))**
- **Nearside Rear Other passenger door cannot be opened from outside the vehicle (6.2.3 (a))**
- **Parking brake efficiency below requirements (1.4.2 (a) (i))**

▶ [What are defects?](#)

---

Date tested

**28 April 2020**

**PASS**

Mileage

**192,520 miles**

Test location

▶ [View test location](#)

MOT test number

**8612 0295 8425**

Expiry date

**27 April 2021**

Repair as soon as possible (minor defects):

- **Offside Front Upper Anti-roll bar linkage ball joint dust cover severely deteriorated (5.3.4 (b) (i))**

Monitor and repair if necessary (advisories):

- **Brake pedal wearing smooth and small split in rubber (1.1.2 (c))**
- **Rear exhaust joining clamp missing**

▶ [What are advisories?](#)

---

Date tested  
**24 April 2020**

**FAIL**

Mileage  
**192,950 miles**

Test location

▶ [View test location](#)

MOT test number  
**2650 5228 6280**

Repair immediately (major defects):

- **Fuel system component leaking (6.1.3 (b) (i))**
- **Offside Rear Service brake excessively binding (1.2.1 (f))**

Repair as soon as possible (minor defects):

- **Offside Front Upper Anti-roll bar linkage ball joint dust cover severely deteriorated (5.3.4 (b) (i))**

Monitor and repair if necessary (advisories):

- **Brake pedal wearing smooth and small split in rubber (1.1.2 (c))**
- **Offside Front Day running light not working**
- **Rear exhaust joining clamp missing**

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

---

Date tested  
**19 March 2020**

**FAIL**

Mileage

**192,309 miles**

Test location

▶ [View test location](#)

MOT test number

**1825 4967 5247**

Repair immediately (major defects):

- **Nearside Front Suspension arm ball joint excessively worn (5.3.4 (a) (i))**
- **Offside Front Suspension arm ball joint excessively worn (5.3.4 (a) (i))**
- **Offside Front Anti-roll bar linkage ball joint dust cover no longer prevents the ingress of dirt (5.3.4 (b) (ii))**
- **Offside Rear Parking brake lever defective so that it cannot be satisfactorily operated not releasing. Binding (1.1.6 (d))**

Monitor and repair if necessary (advisories):

- **OSF DRL inop**

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

---

Date tested

**14 March 2019**

**PASS**

Mileage

**146,636 miles**

Test location

▶ [View test location](#)

MOT test number  
**8413 8392 0877**

Expiry date  
**20 March 2020**

---

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

---

Date tested  
**22 February 2018**

**PASS**

Mileage  
**90,623 miles**

Test location

▶ [View test location](#)

MOT test number  
**2240 1597 0628**

Expiry date  
**20 March 2019**

---

Date tested  
**27 February 2017**



# PASS

Mileage

**63,497 miles**

Test location

▶ [View test location](#)

MOT test number

**2708 0833 2186**

Expiry date

**20 March 2018**

---

Date tested

**17 March 2016**

# PASS

Mileage

**40,753 miles**

Test location

▶ [View test location](#)

MOT test number

**8144 9336 6819**

Expiry date

**20 March 2017**

---

## Check for vehicle recalls

See if MERCEDES-BENZ VITO 113 CDI TRAVELINER SV13JKZ has outstanding recalls

 [Show](#)

---

[Cookies](#) [Terms and conditions](#)

[Privacy notice](#)

[Accessibility statement](#)

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

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

**OGI**

All content is available under the [Open Government Licence v3.0](#), except where otherwise stated

[© Crown copyright](#)



















