

26 July 2023

LICENSING AND REGULATORY SUB-COMMITTEE

A meeting of the **Licensing and Regulatory Sub-Committee** will be held on **Thursday, 3rd August, 2023** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS
Managing Director

Membership:

Councillors Dawson (Vice-Chair), Gearon and Hayes (Chair)

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. **Request for Private Hire Vehicle Licence for Vehicle over 5 years and small plate - EXZ 599** (Pages 3 - 26)
4. **Request for Hackney Carriage Vehicle over 5 years - GY65 OMU** (Pages 27 - 44)

5. **Request for Hackney Carriage Vehicle Extension for further 12 months - SN13 NWJ** (Pages 45 - 60)

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

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

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1,2,5 and 7 of Part 1 of Schedule 12A of the Act.

7. **Application for Combined Hackney Carriage/Private Hire Drivers Licence** (Pages 61 - 76)

8. **Review of Hackney Carriage Drivers Licence** (Pages 77 - 110)

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

TEIGNBRIDGE DISTRICT COUNCIL

LICENSING AND REGULATORY SUB COMMITTEE

3 August 2023

PART I

Report Title	Request for Private Hire Vehicle Licence for Vehicle over 5 years and small plate. EX2 599 Silver Mercedes CDI Auto
Purpose	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.
Applicant	Mr K Lynn
Options	The Committee may: a. Grant the request, with or without conditions; or b. Refuse the request.
Report Author	Debbie Rosenveldt, Licensing Officer licensing@teignbridge.gov.uk
Appendices / Background Papers	A: Applicant request B: MOT history C: Photographs D: Vehicle Inspection Sheet

1. APPLICATION DETAILS

1.1 Vehicle first registered – 1 March 2011

1.2 Age of vehicle, if granted - 12 years and 5 months

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

1.3 MOT expires on 11 July 2024 with no advisories.

1.4 Vehicle inspection completed on 12 July 2023.

1.5 Licensing Officer:

Vehicle inspected -

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

Recommendation:

Members to decide whether to grant licence with a small plate or 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 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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HUMMER4U

THE MOST EXOTIC LIMOUSINE RENTAL
COMPANY V.I.P / WEDDINGS / BIRTHDAYS /
PROMS / SPECIAL OCCASIONS

TEL: [REDACTED]

For The Committee

17/07/2023

Application to Private Hire Plate our Mercedes Benz Bluetec
Registration EXZ 599 to be plated by the committee.

This vehicle is the S class 350d extended limo model with extra
legroom and reclining rear seats and will be used for Proms and
executive travel along with weddings.

The vehicle had a few minor advisories when we got it these have
All been rectified and has had a new test with no advisories.

This vehicle is part of our Executive fleet and will be doing corporate
work along with weddings and a smaller plate would look more
discreet.

YOURS FAITHFULLY

KEVIN LYNN (DIRECTOR)

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Check MOT history

This is a new service – [Complete a quick survey \(https://www.smartsurvey.co.uk/s/GIZZX?vrn=EXZ599&make_result=MERCEDES-BENZ&model_result=S-Class&mot_first_used_date=2011-03-01&vehicle_age=4522&mot_expiry_date=2024-07-11&mot_expiry_date_days_left=359&user_satisfaction_banner=0&vehicle_data_origin=MTS&vehicle_type=LGV\)](https://www.smartsurvey.co.uk/s/GIZZX?vrn=EXZ599&make_result=MERCEDES-BENZ&model_result=S-Class&mot_first_used_date=2011-03-01&vehicle_age=4522&mot_expiry_date=2024-07-11&mot_expiry_date_days_left=359&user_satisfaction_banner=0&vehicle_data_origin=MTS&vehicle_type=LGV) to help us improve.

< [Back](#)

EXZ 599

MERCEDES-BENZ S-Class

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

Colour

Silver

Fuel type

Diesel

Date registered

1 March 2011

MOT valid until

11 July 2024

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

[Download test certificates \(/enter-v5c?registration=EXZ599\)](/enter-v5c?registration=EXZ599)

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

12 July 2023

PASS

Mileage

87,713 miles

Test location

▶ [View test location](#)

MOT test number
5039 6106 6943

Expiry date
11 July 2024

Date tested
21 April 2023

PASS

Mileage
86,816 miles

Test location

▶ [View test location](#)

MOT test number
8968 1087 2852

Expiry date
2 May 2024

Repair as soon as possible (minor defects):

- **Steering lock not functioning (7.3 (a))**
- **Offside Front Lower Suspension arm ball joint dust cover severely deteriorated (5.3.4 (b) (i))**

Monitor and repair if necessary (advisories):

- **Brake pipe corroded, covered in grease or other material both front to rear (1.1.11 (c))**
- **Suspension component mounting prescribed area is corroded but not considered excessive both rear (5.3.6 (a) (i))**
- **Wheel bearing has slight play both front (5.1.3 (a) (i))**
- **various components corroding.**
- **Offside Rear Tyre worn close to legal limit/worn on edge on limit 1.6mm (5.2.3 (e))**

▶ [What are advisories?](#)

Date tested
3 May 2022

PASS

Mileage
85,097 miles

Test location

▶ [View test location](#)

MOT test number
7920 6662 1856

Expiry date
2 May 2023

Repair as soon as possible (minor defects):

- **Nearside Front Upper Windscreen damaged but not adversely affecting driver's view (3.2 (a) (i))**
- **Offside Front Lower Window damaged but not adversely affecting driver's view (3.2 (a) (i))**

Monitor and repair if necessary (advisories):

- **Front Brake disc worn, pitted or scored, but not seriously weakened both inner faces (1.1.14 (a) (ii))**
- **Rear Brake disc worn, pitted or scored, but not seriously weakened both inner faces (1.1.14 (a) (ii))**
- **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))**

▶ [What are advisories?](#)

Date tested

29 April 2022

FAIL

Mileage

85,088 miles

Test location

▶ [View test location](#)

MOT test number

1189 6293 5769

Do not drive until repaired (dangerous defects):

- **Nearside Rear Tyre tread depth below requirements of 1.6mm (5.2.3 (e))**

Monitor and repair if necessary (advisories):

- **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))**
- **Nearside Front Brake disc worn, pitted or scored, but not seriously weakened (1.1.14 (a) (ii))**
- **Offside Front Brake disc worn, pitted or scored, but not seriously weakened (1.1.14 (a) (ii))**
- **Nearside Rear Brake disc worn, pitted or scored, but not seriously weakened (1.1.14 (a) (ii))**
- **Offside Rear Brake disc worn, pitted or scored, but not seriously weakened (1.1.14 (a) (ii))**

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

Date tested

16 April 2021

PASS

Mileage

74,189 miles

Test location

▶ [View test location](#)

MOT test number

7637 9286 2875

Expiry date

19 April 2022

Monitor and repair if necessary (advisories):

- **Offside Rear Road wheel fractured at bridge over valve (5.2.2 (a))**

▶ [What are advisories?](#)

Date tested

7 April 2021

FAIL

Mileage

74,005 miles

Test location

▶ [View test location](#)

MOT test number

2151 6800 5059

Do not drive until repaired (dangerous defects):

- **Offside Rear Road wheel has a welding defect (5.2.2 (a))**

▶ [What are defects?](#)

Date tested

20 April 2020

PASS

Mileage

69,318 miles

Test location

▶ [View test location](#)

MOT test number

2064 4797 7060

Expiry date

19 April 2021

Repair as soon as possible (minor defects):

- **Front Windscreen damaged but not adversely affecting driver's view chip X2 (3.2 (a) (i))**

Monitor and repair if necessary (advisories):

- **Nearside Rear Tyre worn close to legal limit/worn on edge 2754019 (5.2.3 (e))**
- **Offside Rear Tyre worn close to legal limit/worn on edge 2754019 (5.2.3 (e))**

▶ [What are advisories?](#)

Date tested

20 April 2020

FAIL

Mileage

69,318 miles

Test location

▶ [View test location](#)

MOT test number

9565 1623 9868

Repair immediately (major defects):

- **Front Headlamp cleaning device for LED or HID headlamp inoperative (4.1.6 (a) (ii))**

Repair as soon as possible (minor defects):

- **Front Windscreen damaged but not adversely affecting driver's view chip X2 (3.2 (a) (i))**

Monitor and repair if necessary (advisories):

- **Nearside Rear Tyre worn close to legal limit/worn on edge 2754019 (5.2.3 (e))**
- **Offside Rear Tyre worn close to legal limit/worn on edge 2754019 (5.2.3 (e))**

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

Date tested

17 April 2019

PASS

Mileage

62,625 miles

Test location

▶ [View test location](#)

MOT test number

8254 4654 8015

Expiry date

16 October 2020

Repair as soon as possible (minor defects):

- **Offside Front Windscreen damaged but not adversely affecting driver's view (3.2 (a) (i))**

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

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

7 April 2018

PASS

Mileage

56,772 miles

Test location

▶ [View test location](#)

MOT test number

6189 8838 6870

Expiry date

8 April 2019

Date tested

8 April 2017

PASS

Mileage

47,749 miles

Test location

▶ [View test location](#)

MOT test number

8746 7096 0669

Expiry date

8 April 2018

Date tested

1 April 2016

PASS

Mileage

36,745 miles

Test location

▶ [View test location](#)

MOT test number

5323 7701 8990

Expiry date

8 April 2017

Date tested

9 April 2015

PASS

Mileage

26,922 miles

Test location

▶ [View test location](#)

MOT test number

2361 8949 5041

Expiry date
8 April 2016

Date tested
23 April 2014

PASS

Mileage
20,628 miles

Test location

▶ [View test location](#)

MOT test number
7368 3361 4111

Expiry date
22 April 2015

Check for vehicle recalls

See if MERCEDES-BENZ S-Class EXZ599 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
South Devon

PRIVATE HIRE

VEHICLE DESCRIPTION:

REGISTRATION NO:

EXPIRY DATE:

LICENSED TO CARRY:

Printed: 21 FEB 2020 M4 SILVER

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Teignbridge District Council - Vehicle Inspection Sheet

Annual / 6 Monthly / 4 Monthly / MOT

Hackney Carriage/Private Hire

Owner Homer LU

Date 12/1/23

Plate No _____

Mileage 87713

No. Passengers 4

Registration No EX2599

		Pass	Fail	Re-Tested	Comments
	Steering and Suspension				
1	Steering Control	✓			
2	Steering Mechanism/System	✓			
3	Power Steering	✓			
4	Transmission Shaft	✓			
5	Wheel Bearings	✓			
6	Front Suspension	✓			
7	Rear Suspension	✓			
8	8. Shock Absorbers	✓			
	Lighting Equipment				
9	Front and Rear Lamps etc.	✓			
10	Headlamps	✓			
11	Headlamp Aim	✓			
12	Stop Lamps	✓			
13	Rear Reflectors	✓			
14	Direction Indicators	✓			
15	Hazard Lamps	✓			
	Braking System				
17	ABS Warning System/Controls	✓			
18	Condition of Service Brake System	✓			
19	Conditions of Parking Brake System	✓			
20	Service Brake Performance	✓			
21	Parking Brake Performance	✓			
22	Efficiency - Footbrake <u>76</u> %	✓			
23	Efficiency - Handbrake <u>97</u> %	✓			
	Tyres & Wheels				
24	Tyre Type & Condition	✓			
25	Road Wheels	✓			
	General				
26	Compliance with current MOT reqs.	✓			
27	Seatbelts Mountings/Operation	✓			
28	Horn	✓			
29	Exhaust Systems	✓			
30	Exhaust Emission (Printout)	✓			
31	Vehicle Condition Interior	✓			
32	Vehicle Condition Exterior	✓			
33	Seat condition	✓			
34	Luggage space	✓			
35	Doors/Locks operational	✓			
36	Mirrors & View of the road	✓			
37	Fuel System	✓			
38	Speedometer operational	✓			
39	Excise Licence/Date	✓			
40	Fire Extinguisher with Sticker	✓			
41	First Aid Kit with Sticker	✓			
42	No Smoking Stickers	✓			
43	Rooflight Operational	✓			
44	Current MOT/Date	✓			
45	Meter Fitted & Tested	N/A			
46	Fuel & Oil Leaks	N/A			
47	Tariff Card Displayed	N/A			
48	Livery Compliant	✓			
49	Windows Operational	✓			

Brake Test Results	
NSF <u>467</u>	OSF <u>458</u>
NSR <u>348</u>	OSR <u>355</u>
NSH <u>301</u>	OSH <u>339</u>
Brake Weight	
Emmission Test Value	
Re-show Items	
Date due by	

Certificate

I hereby certify that I have carried out the various examinations of the vehicle as scheduled and the vehicle has **PASSED / FAILED**

I have also checked the fare/meter over a prescribed distance and it is correct

Signed: _____

Print Name _____

Passed Re-Test _____

Signed _____

Date 12/1/23

Date _____

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TEIGNBRIDGE DISTRICT COUNCIL

LICENSING AND REGULATORY SUB COMMITTEE

3 August 2023

PART I

Report Title	Request for Hackney Carriage Vehicle over 5 years. GY65 OMU Black BMW Sport
Purpose	For the Committee to consider the request included in 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 a licensed plate.
Applicant	Mr D Ward
Options	The Committee may: a. Grant the request, with or without conditions; or b. Refuse the request.
Report Author	Debbie Rosenveldt, Licensing Officer licensing@teignbridge.gov.uk
Appendices / Background Papers	A: Applicant request B: MOT history C: Photographs

1. APPLICATION DETAILS

- 1.1 Vehicle first registered – 30 October 2015
Age of vehicle, if granted - 7 years and 9 months

The vehicle will no longer meet the Council's licensing policy as it is over 5 years of age.

- 1.2 MOT expires on 29 January 2024 with no advisories.
- 1.3 Vehicle inspection booked at the Depot on 31 July 2023, details to be provided at the hearing.
- 1.4 **Licensing Officer:**
Vehicle checked -
At the time of writing this report the vehicle had not been inspected by a licensing officer.

Recommendation:
Members to decide whether to grant licence or 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 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 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.'

- 2.8 In summary, the Committee is required to ensure that Public Safety is not compromised by the granting 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 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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For the attention of the Regulatory & Appeals Committee

I would like to request to plate a vehicle that is 7 years and 9 months old. The vehicle was plated as a Hackney Carriage vehicle in Teignbridge until August 2022 and has been used by the owner as a private vehicle since.

The vehicle is a Black BMW registration GY65 OMU, it is in extremely good condition. It has a valid MOT with no advisories.

The cost of purchasing a vehicle of this standard and quality that is under 5 years old in this financial climate is cost prohibitive.

As this vehicle had been licensed with until last August, I hope that the committee will look favourably on this application.

Yours sincerely

David Ward

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Check MOT history

This is a new service – [Complete a quick survey \(https://www.smartsurvey.co.uk/s/GIZZX?vrn=GY65OMU&make_result=BMW&model_result=520&mot_first_used_date=2015-10-30&vehicle_age=2818&mot_expiry_date=2024-01-29&mot_expiry_date_days_left=195&user_satisfaction_banner=0&vehicle_data_origin=MTS&vehicle_type=LGV\)](https://www.smartsurvey.co.uk/s/GIZZX?vrn=GY65OMU&make_result=BMW&model_result=520&mot_first_used_date=2015-10-30&vehicle_age=2818&mot_expiry_date=2024-01-29&mot_expiry_date_days_left=195&user_satisfaction_banner=0&vehicle_data_origin=MTS&vehicle_type=LGV) to help us improve.

< [Back](#)

We need your help

Help us improve this service. [Complete a quick survey.](#)

GY65 OMU

BMW 520

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

Colour

Black

Fuel type

Diesel

Date registered

30 October 2015

MOT valid until

29 January 2024

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

[Download test certificates \(/enter-v5c?registration=GY65OMU\)](/enter-v5c?registration=GY65OMU)

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

17 January 2023

PASS

Mileage

248,823 miles

Test location

▶ [View test location](#)

MOT test number

1169 3005 4043

Expiry date

29 January 2024

Date tested

24 January 2022

PASS

Mileage

214,538 miles

Test location

▶ [View test location](#)

MOT test number

2812 7852 9899

Expiry date

29 January 2023

Date tested

31 December 2020

PASS

Mileage

163,194 miles

Test location

▶ [View test location](#)

MOT test number

4822 1688 2485

Expiry date

29 January 2022

Monitor and repair if necessary (advisories):

- **Front Brake disc worn, but not excessively (1.1.14 (a) (i))**
- **Front Brake pad(s) wearing thin (1.1.13 (a) (ii))**
- **rear diff damp with oil**

▶ [What are advisories?](#)

Date tested
15 January 2020

PASS

Mileage
130,286 miles

Test location

▶ [View test location](#)

MOT test number
8656 4772 3057

Expiry date
29 January 2021

Date tested
16 January 2019

PASS

Mileage
72,273 miles

Test location

▶ [View test location](#)

MOT test number
1083 9442 9664

Expiry date
29 January 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
30 January 2018

PASS

Mileage
21,733 miles

Test location

▶ [View test location](#)

MOT test number
8249 6862 2850

Expiry date
29 January 2019

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TEIGNBRIDGE DISTRICT COUNCIL

LICENSING AND REGULATORY SUB COMMITTEE

3 August 2023

PART I

Report Title	Request for Hackney Carriage Vehicle Extension for further 12 months SN13 NWJ Grey Mercedes E250
Purpose	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.
Applicant	Mr S Ahmed
Options	The Committee may: a. Grant the request, with or without conditions; or b. Refuse the request.
Report Author	Debbie Rosenveldt, Licensing Officer licensing@teignbridge.gov.uk
Appendices / Background Papers	A: Request for extension B: MOT history C: Photographs

1. APPLICATION DETAILS

- 1.1 Vehicle first registered – 1 March 2013
Age of vehicle, if granted - 10 years and 5 months
Hackney Carriage licence expires – 11 July 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 – 8 April 2024 with 3 advisories – see Appendix B.
- 1.3 Vehicle inspection booked at the Depot on 2 August 2023 – details to be provided at the hearing.
- 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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Fri 14/07/2023 01:06

Dear [Debbie],

I hope this letter finds you in good health. I am writing to appeal to the [Teignbridge District Council] for the renewal of my taxi license plate, which has been an integral part of my livelihood for the past few years. I humbly request your understanding and consideration in granting the renewal, as I am currently facing financial difficulties that prevent me from purchasing a new taxi.

Over the past decade, I have diligently served the community as a taxi driver, providing reliable and safe transportation services to residents and visitors alike. I have always complied with the regulations and requirements set forth by the [Teignbridge District Council], maintaining a clean driving record and ensuring passenger satisfaction. However, due to unforeseen circumstances, I have encountered significant financial challenges recently.

For the past year, I have been battling a severe illness that has rendered me unable to work and earn a stable income. This prolonged illness, coupled with the economic impacts of the COVID-19 pandemic, has significantly strained my financial resources. As a result, I find myself in a position where I cannot afford to purchase a new taxi at this time.

Renewing my taxi license plate would provide me with the opportunity to continue operating as a taxi driver and gradually recover from the financial setbacks I have experienced. It would allow me to resume working and regain stability in my life, while also enabling me to continue serving the transportation needs of the community.

I understand that the [Teignbridge District Council] must consider various factors when reviewing license plate renewals, such as demand for transportation services and compliance with regulations. Despite my financial hardships, I want to assure you that I am fully committed to upholding all the necessary requirements and regulations associated with operating a taxi.

Renewing my taxi license plate would not only offer me the opportunity to overcome my current financial difficulties but also allow me to contribute to the local economy. As a small business owner, I have been able to support local suppliers for vehicle maintenance and repairs. By granting the renewal, the council would be helping me sustain these contributions and continue playing an active role in the community's economic growth.

I kindly request your reconsideration of my appeal, taking into account my current circumstances and the dedication I have shown to my profession and the community over the past years. I would be grateful for the opportunity to discuss this matter further with you or any representative from the [Teignbridge District Council]. Please feel free to contact me at your convenience using the contact information provided.

Thank you for your time and understanding. Your support in renewing my taxi license plate would not only provide me with a lifeline during this challenging period but also reaffirm the council's commitment to assisting hardworking individuals in times of need. I look forward to a positive resolution and the opportunity to continue serving the transportation needs of our community.

Yours sincerely,

[Shahzad Ahmed]
Plate NO: H774

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Check MOT history

This is a new service – [Complete a quick survey \(https://www.smartsurvey.co.uk/s/GIZZX?vrn=SN13NWJ&make_result=MERCEDES-BENZ&model_result=E&mot_first_used_date=2013-03-11&vehicle_age=3782&mot_expiry_date=2024-04-08&mot_expiry_date_days_left=264&user_satisfaction_banner=0&vehicle_data_origin=MTS&vehicle_type=LGV\)](https://www.smartsurvey.co.uk/s/GIZZX?vrn=SN13NWJ&make_result=MERCEDES-BENZ&model_result=E&mot_first_used_date=2013-03-11&vehicle_age=3782&mot_expiry_date=2024-04-08&mot_expiry_date_days_left=264&user_satisfaction_banner=0&vehicle_data_origin=MTS&vehicle_type=LGV) to help us improve.

[< Back](#)

SNI3 NWJ

MERCEDES-BENZ E

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

Colour

Grey

Fuel type

Diesel

Date registered

11 March 2013

MOT valid until

8 April 2024

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

[Download test certificates \(/enter-v5c?registration=SN13NWJ\)](/enter-v5c?registration=SN13NWJ)

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

5 April 2023

PASS

Mileage

210,400 miles

Test location

▶ [View test location](#)

MOT test number

3243 2188 1936

Expiry date

8 April 2024

Monitor and repair if necessary (advisories):

- **Front Brake pad(s) wearing thin both sides (1.1.13 (a) (ii))**
- **Rear Brake pad(s) wearing thin both sides (1.1.13 (a) (ii))**
- **Oil leak, but not excessive (8.4.1 (a) (i))**

▶ [What are advisories?](#)

Date tested

9 April 2022

PASS

Mileage

187,659 miles

Test location

▶ [View test location](#)

MOT test number

1324 7448 5439

Expiry date

8 April 2023

Monitor and repair if necessary (advisories):

- **Nearside Rear Outer sill slightly damaged (outer plastic sill)**
- **Rear Exhaust emits excessive smoke or vapour but not likely to obscure the vision of other road users (8.2.2.2 (c))**

▶ [What are advisories?](#)

Date tested

26 March 2021

PASS

Mileage

166,315 miles

Test location

▶ [View test location](#)

MOT test number

6009 3964 9518

Expiry date

25 March 2022

Repair as soon as possible (minor defects):

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

Monitor and repair if necessary (advisories):

- **Rear Brake pad(s) wearing thin Both. (1.1.13 (a) (ii))**

▶ [What are advisories?](#)

Date tested

8 July 2019

PASS

Mileage

134,553 miles

Test location

▶ [View test location](#)

MOT test number

2354 4748 9631

Expiry date

12 January 2021

Date tested

26 June 2018

PASS

Mileage

99,245 miles

Test location

▶ [View test location](#)

MOT test number

4459 6020 7946

Expiry date

12 July 2019

The MOT test changed on 20 May 2018

Defects are now categorised according to their severity - dangerous, major, and minor. [Find out more \(https://www.gov.uk/government/news/mot-changes-20-may-2018\)](https://www.gov.uk/government/news/mot-changes-20-may-2018).

Date tested

13 July 2017

PASS

Mileage

85,522 miles

Test location

▶ [View test location](#)

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