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06 June 2024

LICENSING AND REGULATORY SUB-COMMITTEE

A meeting of the **Licensing and Regulatory Sub-Committee** will be held on **Friday, 14th June, 2024** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS
Managing Director

Membership:

Councillors Foden, Peart and Rollason (Vice-Chair)

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 meeting room you are consenting to being filmed.

AGENDA

Part I

1. **Apologies**
2. **Declarations of Interest (if any)**
3. **Minutes** (Pages 3 - 24)
To approve and sign the Minutes of the meetings held on 27 March 2024, 3 April 2024, 18 April 2024, 25 April 2024 and 15 May 2024.
4. **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

5. **Request for Hackney Carriage Vehicle Extension for further 12 months - KV09 WPK** (Pages 25 - 48)

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LICENSING AND REGULATORY SUB-COMMITTEE**WEDNESDAY, 27 MARCH 2024**Present:

Councillors Hayes (Chair) and Peart

Apologies:

Councillors Jackman

Officers in Attendance:

Licensing Officer

Legal Assistant

65. APOLOGIES

Apologies received from Cllr Jackman.

The remaining members noted that a substitute for the meeting was unavailable, and the Sub-Committee would not be quorate. As such no decisions could be made on the applications put before the Sub-Committee.

RESOLVED: To adjourn the meeting. The Sub-Committee unanimously agreed they had no option but to adjourn the meeting to a later date which would be agreed as soon as possible and communicated to all interested parties.

Cllr R Hayes
Chair

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LICENSING AND REGULATORY SUB-COMMITTEE

WEDNESDAY, 3 APRIL 2024

Present:

Councillors Hayes (Chair), Peart and Rollason

Apologies:

Councillors Atkins

Officers in Attendance:

Licensing Officer

Legal Assistant

66. APOLOGIES

Apologies received from Cllr Atkins.

67. DECLARATIONS OF INTEREST (IF ANY)

None.

68. MINUTES

The Minutes of the meeting held on 8 February 2024 were approved as a correct record and signed by the Chair.

69. APPLICATION FOR A NEW PREMISES LICENCE - HEARN FIELD AND PAVILION

The Sub-Committee gave consideration to a report presented by the Licensing Officer (previously circulated) in which determination was sought in respect of an application for a new Premises Licence for Hearn Field and Pavilion, Shaldon Road, Combeinteignhead, Newton Abbot, TQ12 4RR.

Representatives for the Applicant attended the meeting and were permitted to speak. The representatives answered questions put to them by the Sub-Committee.

Persons who had submitted representations also attended the meeting and were permitted to speak.

Arising from consideration of the report, evidence presented and in accordance with the relevant provisions of the Licensing Act 2003 Statutory Guidance, and the Council's Licensing Policy, it was moved by Councillor Hayes and seconded by Councillor Peart, and

RESOLVED that the Application for a new Premises Licence in respect of Hearn Field and Pavilion, Shaldon Road, Combeinteignhead, Newton Abbot, TQ12 4RR be refused under Section 18(4)(d) of the Licensing Act 2003.

Reasons for the decision:

The Sub-Committee heard from representatives for the Objectors who explained that whilst they did not object to the Parish Council holding occasional events using Temporary Event Notices and could tolerate the noise and disruption during these times, the idea that events could significantly increase causing further disruption would be intolerable.

The Objectors' main concerns were:

- public nuisance from increased footfall and excess noise from the events being held.
- concerns over the prevention of crime.
- concern that the conditions included within the application were so vague, had no clear parameters or function and so in reality, would be unenforceable. Consequently, residents would have no recourse if issues were to occur.
- that the public open space was actually a registered village green and would become inaccessible due to proposed ticketed events being held. The residents understood that the Parish Council needs to raise money to assist with the upkeep of its assets, this should not be at the detriment to those who have the right to use the field for everyday recreation.
- that a full consultation relating to the premises licence application had not been held or properly articulated by the Parish Council to residents who lived next to the field and surrounding area.
- that previous complaints to the Parish Council following problems caused by previous events had been ignored.

The residents did not believe that the Parish Council were experienced enough to uphold any of the four licensing objectives whilst holding regular large-scale events. The objectors felt that the Parish Council were simply applying for the licence to avoid the inconvenience of applying for regular Temporary Event Notices without fully considering the responsibilities that come with being a premises licence holder.

The Sub-Committee then heard from the Applicant's representative who responded to the comments made and set out the following:

- The need to maintain the field for residents and that this costs money. No provision of funds for maintenance of the field was given when the land was gifted to the community.
- it was felt that an application for a premises licence would stop the need for repeat TENs applications and would also remove the limit of 499 people. It was then stated that keeping an eye on numbers was, and is, an onerous task and proves difficult when trying to run an event whilst allowing the general public access the village green.

Licensing and Regulatory Sub-Committee (3.4.2024)

- This is a community focused application to serve the needs of the community and raise funds for the upkeep of the area.
- The application has not primarily been submitted to allow for the sale of alcohol but by including alcohol the Parish Council have flexibility in the type of events they can hold.
- There are no intentions to start running events in a commercial manner and positive feedback has been received from the events held previously.
- Risk assessments and volunteer briefs were completed for events, and all necessary insurances were in place.

In response to questions the Parish Council explained:

- Estimated they will only hold around 6-9 events per year along with 4 weddings. There are no plans to increase the number of events extensively.
- All ideas come to the Hearn Field committee, and these are then put to the main Parish Council for approval during public meetings where the public can express any concerns.
- The Parish Council do not have the capacity or intention to run a bar 7 days a week but would like the flexibility to do so. The Parish Council did not intend for the premises licence to apply to weddings.
- The Parish Council representative acknowledged there were concerns over noise and confirmed that they had received advice from Environmental Health which they have taken onboard.
- Noise will be minimised by ensuring speakers are faced away from the outside of the field and will have a member of the Parish Council making sure music is turned off at the appropriate time.
- It was not accepted that complaints had been ignored but confirmed that there had been some previous issues with events. These have been learnt from and addressed going forward.

The Parish Council's representative confirmed in response to a question from the Legal Adviser that the applicant was the Hearn Field Committee a separate properly constituted body. Therefore, the Licensee would not be the Parish Council but the Hearn Field Committee. This meant that the application form and the subsequent representations from the Parish Council were misleading to both the Licensing Sub-Committee and members of the public. The Hearn Field Committee would be bound by the licence but not the Parish Council. The Parish Council representative said the intent was to be the Parish Council and they do not feel this materially changes the application but accepted this could be misleading.

The Sub-Committee having considered the application submitted and having heard from those present and being mindful of Statutory Code of Guidance and Licensing policy, felt that on balance it could not approve this application as it appeared to be confused, ambiguous and lacking meaningful and therefore enforceable conditions, such that the licensing objectives would be at risk of not being upheld.

The Sub-Committee were also concerned over the ambiguity of the applicant and the possibility of competing or conflicting interests between the Parish Council and the Hearn Field Committee, along with the difficulties this could cause if it came to enforcing any licence granted. The Sub-Committee had concerns that the applicant did not fully understand the scope of the licence applied for and as a consequence, the

applicant had not properly considered the licensing objectives and/or its obligations in respect thereof or, what impact the nature of the premises may have.

The Sub-Committee was not satisfied that the four Licensing Objectives would be upheld and therefore deemed it appropriate to refuse the premises licence.

70. REQUEST FOR PRIVATE HIRE VEHICLE LICENCE FOR VEHICLE OVER 5 YEARS AND SMALL PLATE REQUEST - LM06 HUM

The Licensing and Regulatory Sub-Committee was asked to consider an application for a Private Hire Vehicle Licence and small plate request for a Hummer vehicle registration LM06 HUM.

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in February 2025, with no advisories and that the vehicle passed its annual taxi inspection test on 19 February 2024 with no advisories. The Applicant was unable to be in attendance.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the new Private Hire Vehicle Licence without the need to be presented before the Sub-Committee for 3 years with the additional condition of 6 monthly taxi inspection tests due to the age of the vehicle and being a specialist vehicle.

Section 48(4)(c) of the Local Government (Miscellaneous Provisions) Act 1976 provides for a licence granted to remain in force for a period not being longer than one year. Therefore, the Private Hire Licence Extension will be determined by a Licensing Officer annually without the need for the vehicle to be brought before the Sub-Committee for 3 years. The Sub-Committee also granted the request for a small plate due to the nature of work the vehicle will be used for such as weddings.

71. REQUEST FOR PRIVATE HIRE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - KLZ 1117

The Licensing and Regulatory Sub-Committee was asked to consider an application for a Private Hire Vehicle Licence Extension for a Chrysler 300 C vehicle registration KLZ 1117.

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in November 2024, with no advisories and that the vehicle passed its annual taxi inspection test on 26 March 2024 with no advisories. The Applicant was unable to be in attendance.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the Private Hire Vehicle Licence Extension for 12 months as detailed in the report with the additional condition of 6 monthly taxi inspection tests due to the age of the vehicle.

72. REVIEW OF A SMALL PLATE FOR A PRIVATE HIRE VEHICLE - CR15 KHO

The Licensing and Regulatory Sub-Committee was asked to review whether a small plate should continue to be allowed to be displayed.

The Sub-Committee noted the information provided by way of the report and heard from the Licensing Officer that the vehicle had been brought to the committee due to the vehicle having been seen without its taxi plate on two occasions. The plate should only be removed with the express permission of a Licensing Officer, and they had not received a request for its removal.

The vehicle owner who was in attendance clarified that the small plate sticker had been attached to a magnet to avoid damage to the bodywork of the car. This had been removed before going through the car wash and the owner had forgotten to put it back in place. The other time that the sticker had been removed was prior to the applicant going on holiday for two weeks. The vehicle would be left in a busy public car park, and they were concerned about the risk of vandalism if the vehicle stood out as being a licensed vehicle. It is the owner's personal vehicle and only used occasionally for private hire jobs. The owner apologised and said they did not realise that a request could be put to the licensing officers for permission to temporarily remove the plate and they would ensure this was done going forward if removal was required again.

Decision

After some discussion the Sub-Committee were satisfied that public safety would not be compromised by continuing to allow the vehicle to display a small plate. Accordingly, the Sub-Committee unanimously agreed that the vehicle continue to be allowed to display a small plate but stressed that this had to stay on the vehicle unless given permission from the Licensing team that it could be removed. Should the vehicle not display the small plate appropriately then the matter would be brought back to committee for review.

73. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC

RESOLVED 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 and 5 of Part 1 of Schedule 12A of the Act.

74. APPLICATION FOR COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE

The Sub-Committee gave consideration to a report presented by the Licensing Officer (previously circulated) in which determination was sought in respect of an application for a new Combined Hackney Carriage/Private Hire Driver's Licence.

The Applicant attended the meeting in person, and he answered questions put to him by the Sub-Committee.

Arising from consideration of the report, evidence presented and in accordance with the Council's procedure for hearings, it was moved by Councillor Hayes and seconded by Councillor Peart, and

RESOLVED that the application for a new Combined Hackney Carriage/Private Hire Drivers Licence be granted for 12 months under Section 53 (1)(a) and Section 53 (1)(b) of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee felt that the conduct of the Applicant as set out in the Report, supported its view that the Applicant was a fit and proper person to hold such a Licence.

Reasons for the decision:

Members noted the information set out in the Report relating to the Applicant's conviction for driving with no insurance and the reasons why the application for a licence had been refused by the Licensing Manager. The Sub-Committee noted that the Applicant's conviction is considered relevant as the driving of taxis is a 'Regulated Occupation'. As such questions may be asked as to the suitability of an individual to be granted a licence.

In answer to the Sub-Committee's questions the Applicant explained that he had received the 6 points for driving a vehicle uninsured against third party risks. The Applicant had borrowed a friend's car to deliver food. The Applicant had his own insurance and trusted his friend's word that the borrowed car was also insured. The Applicant was stopped by the police shortly after starting to drive and informed that the borrowed car was uninsured. The Applicant did not go to court and received 6 points and a fine. The Applicant accepted that looking back he should have checked the car was insured before driving but he trusted his friend and feels completely let down by him and he has not spoken to this person since. The Applicant confirmed that he has always had his own insurance and would always check properly before driving a car that is not his in future.

When considering the Council's Licensing Policy, the sub-committee were mindful that each case must be decided on its own merits. The Licensing Manager considered driving with no insurance to be a major offence under the Council's Licensing Policy. Usually, an isolated incident would merit a warning, but the Licensing Manager felt that the driver had failed to show due diligence to protect both himself and members of the public and as such was not a fit and proper person to hold a licence.

The Committee thanked the Applicant for appearing before them and noted that he appeared remorseful and regretted what had happened. The Applicant has been upfront about his conviction and, after hearing the Applicant's submissions, the Sub-Committee felt that this indicated that he was a fit and proper person to hold a licence.

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The Sub-Committee noted its overriding duty to the public, and of the importance of public safety but considered that, on balance, there was no cause to show that the Applicant was not a fit and proper person to hold a Licence.

Applying the test of whether Members of the Sub-Committee would be happy for a person they cared about or a vulnerable person to travel alone in a vehicle with the Applicant, it was concluded after significant deliberation that they would.

Taking the Council's Licensing Policy into consideration, along with the Applicant's submissions, the Sub-Committee considered given the circumstances of this case that it be reasonable to approve the Applicant's application for a new combined Hackney Carriage/Private Hire Drivers Licence for one year following receipt of all necessary paperwork by the Licensing team.

The Sub-Committee noted that the applicant had applied for a three-year licence however felt that as the offence was still relatively recent having taken place in November 2022, and he still had 6 points on his licence which do not expire until November 2025, along with being a new applicant, it would be reasonable to grant the licence only for a year which can then be reviewed upon reapplication.

The Sub-Committee stressed that should there be any concerns raised about the Applicant's conduct he could be brought back before the Sub-Committee.

Cllr R Hayes
Chair

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LICENSING AND REGULATORY SUB-COMMITTEE

THURSDAY, 18 APRIL 2024

Present:

Councillors Rollason, Sanders and Peart

Apologies:

Councillors Henderson

Officers in Attendance:

Licensing Officer

Legal Assistant

75. APOLOGIES

Apologies received from Cllr Henderson.

76. ELECTION OF CHAIR

It was proposed by Cllr Rollason and seconded by Cllr Sanders and;

RESOLVED – that Cllr Peart be elected chair for the duration of the meeting.

77. DECLARATIONS OF INTEREST (IF ANY)

None.

78. REQUEST FOR HACKNEY CARRIAGE VEHICLE OVER 5 YEARS - GF68 AEM

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in March 2025, with advisories and that the vehicle passed its annual taxi inspection test on 5 April 2024 with an advisory. The Applicant was in attendance and answered questions from the sub-committee relating to when the tyres were last replaced and the condition of the seats as they appeared damaged in the photographs provided. The applicant confirmed that they tyres had last been replaced no more than 6 months ago and that the seats had a cover on which had a slight tear in but the seats themselves were fine.

The Sub-Committee asked that the applicant replace the damaged tyres and provide confirmation to the Licensing Officer that this had been done but were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the Hackney Carriage Vehicle Licence as detailed in the report with the additional condition of 6 monthly taxi inspection tests to monitor the advisories listed.

79. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - RO10 VVP

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in September 2024, with no advisories and that the vehicle passed its annual taxi inspection test on 12 April 2024. The Applicant was unable to be in attendance.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the Hackney Carriage Vehicle Licence Extension as detailed in the report with the additional condition of 6 monthly taxi inspection tests due to the age of the vehicle.

80. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - T27 RKA

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in April 2025, with no advisories and that the vehicle passed its annual taxi inspection test on 17 April 2024 with an advisory. The Applicant was in attendance and confirmed that the vehicle undergoes daily checks as it is used for school runs and it is serviced regularly.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the Hackney Carriage Vehicle Licence Extension as detailed in the report with the additional condition of 6 monthly taxi inspection tests due to the age of the vehicle.

81. REQUEST FOR A SMALL PLATE FOR A PRIVATE HIRE VEHICLE - YS19 WZ

The Sub-Committee noted the information provided by way of the report. The Applicant was unable to be in attendance and the Licensing Officer confirmed that the vehicle currently has a standard size plate. Small plates are usually issued to those vehicles that are used for weddings and similar events. The Applicant has requested a small plate due to starting their own business away from the taxi ranks and is looking to provide a service to private hire customers, local business clients and undertaking airport runs. The Applicant feels a small plate will assist with meeting the expectations of future clients who may want a discreet service. The Applicant also feels that there is no ideal spot on the vehicle to attach the standard size plate.

Decision

The Sub-Committee noted the information contained within the report, including the Applicant's previously submitted written request but did not feel that strong enough reasons had been put forward as to why the standard plate should be changed which would deviate from the Council's licensing policy. The Sub-Committee noted that the vehicle currently has the Council's standard plate affixed and believed it would be in the public interest for it to remain. The Sub-Committee felt that standard plates provide better visibility for customers, especially important when trying to build up business as a new operator. Small plates are normally issued to vehicles whose predominant use is for specialist services such as wedding parties.

Accordingly, the Sub-Committee refused the request for a small plate as detailed in the report. The Sub-Committee felt that they had to refuse the request as they considered that currently there was no compelling reason for the standard plate to be replaced with a small plate.

Cllr R Peart
Chair

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LICENSING AND REGULATORY SUB-COMMITTEE

THURSDAY, 25 APRIL 2024

Present:

Councillors Hayes (Chair), Sanders and Bradford

Officers in Attendance:

Licensing Manager

Legal Assistant

82. APOLOGIES

None.

83. DECLARATIONS OF INTEREST (IF ANY)

None.

84. APPLICATION FOR A TEMPORARY EVENT NOTICE - GREAT FULFORD HOUSE, DUNSFORD, EX6 7AJ

The Sub-Committee gave consideration to a report presented by the Licensing Manager (previously circulated) in which determination was sought in respect of a Temporary Event Notice (TEN) for Great Fulford House, Dunsford, EX6 7AJ.

The premises user attended the meeting and was permitted to speak and also answered questions put to them by the Sub-Committee.

A representative for Environmental Health who had submitted an objection also attended the meeting and was permitted to speak.

Arising from consideration of the report, evidence presented and in accordance with the relevant provisions of the Licensing Act 2003 Statutory Guidance, and the Council's Licensing Policy, it was moved by Councillor Hayes and seconded by Councillor Sanders, and

RESOLVED that the Temporary Event Notice in respect of Great Fulford House, Dunsford, EX6 7AJ be granted.

Reasons for the decision:

The Sub-Committee heard from the Licensing Manager who confirmed that the site does not currently have a premises licence and as such conditions could not be added to the TEN should the sub-committee be minded to grant the application.

The Sub-Committee heard from the Environmental Health representative the reasons for the objection submitted which were:

- concerns relating to public nuisance arising from noise levels impacting on neighbours.
- past noise complaints resulting from events held on the site although the complaints are unrelated to this notice.
- The limits of 45-65 decibels suggested within the application comes from general guidance and would not necessarily be appropriate for the site.
- A TEN is more suited to events such as garden fetes and not festivals as these sites tend to be used as a one-off party ground with no thought to the impact on the neighbours.
- The Environmental Health representative confirmed that 1 or 2 events per year are seen as reasonable and in recent years there have only been around 10 events.
- The premises user had submitted a good management plan and it was felt that a more appropriate way to ensure control over the event would be to use a premises licence so that appropriate conditions could be agreed.

The Sub-Committee then heard from the premises user who in response to questions confirmed the following:

- they believe this event is the only one to be held on the site this year and is in memory of a friend who passed away. They want to work with the Council and neighbours to ensure a successful event.
- They have a lot of other experience working with more established festival sites including Glastonbury.
- The premises user also works in environmental management and so is very aware of potential negative impacts on local wildlife and farm animals and the need to mitigate these.
- it was explained that the site which was used last year was no longer suitable for a few reasons, one of which being that the surroundings have become more residential and so the premises user felt it best to find a more appropriate location as the hope is to find a permanent location for the festival.
- the noise limits included within the TEN and management plan were believed to be suitable following discussions that took place with the previous council. The decibel levels are measured from a certain distance away from the site. If the TEN is granted then sound testing will start straight away, especially in sensitive spots.
- The premises user admitted that at the last festival noise levels did go above slightly but these were reduced once discovered. A professional sound engineer is employed who has specialist equipment and can take the required readings, position speakers in appropriate areas and generally ensure sound levels are appropriate.
- Neighbours will be informed in plenty of time and the premises user is happy to leaflet drop. Residents will be given a contact number to discuss any

concerns prior to the event and to allow them to raise any problems during the event itself.

- The premises user confirmed that they were open to employing local businesses and that whilst they expect most attendees will be people known to them, it would be a public event and open to local people.
- The event site will be enclosed with fencing and entry ticketed. Attendees will be given a wristband and if found without this they will be removed from the site. A security firm will be employed along with volunteers to keep an eye on matters.
- The premises user also acknowledged the Licensing Manager's concerns over numbers on the size of the site but stressed that the area that would be used is around 20 acres and will be fenced. Whilst they don't have confirmed numbers for the number of staff, they estimate it will be similar to last year when they had roughly 50 people working at the event.
- If the site is suitable for long term use, they would be open to applying for a premises licence for future events.

The Sub-Committee having considered the TEN submitted and having heard from those present and being mindful of Statutory Code of Guidance and Licensing policy, felt that on balance it could not refuse this TEN.

The Sub-Committee were impressed with the TEN and the comprehensive event management plan that had been provided. The Sub-Committee were surprised that the TEN had come before them and felt that as the premises user had been willing to work with officers, suitable modifications to the TEN could potentially have been agreed to satisfy officer concerns without the need for a hearing. It was felt that refusing the TEN and advising the premises user to submit a full premises licence instead would not be suitable, not least due to the length of time this could take.

The Sub-Committee noted the concerns of the Environmental Health officer over potential intrusive noise levels but felt that the premises user has comprehensively shown they will be able to mitigate this by employing a sound engineer, having a plan for the reduction of sound levels for the evening and undertaking sound testing. The premises user will also provide a contact number for neighbours to use if they have any problems with noise levels during the event.

The Sub-Committee had not been provided with the specifics of the complaints from previous unrelated events held at the site some years ago and so these were not deemed relevant and provided no cause to refuse for this application. The premises user had shown they were open to suggestions on how they can work with the Council and neighbours to put on a successful event and the Sub-Committee liked their enthusiasm and the reasons for wanting to hold the event. The Sub-Committee also felt this could be a positive event for the local community and economy.

The Sub-Committee also considered the Licensing Managers concerns over the number of staff and attendees, but again these concerns were not considered relevant. The premises user had provided an estimate of the number of tickets they were hoping to sell and those who would be employed. There are limits to the

numbers that can attend an event under a TEN. The organisers were aware of these and it would be for them to manage appropriately.

The Sub-Committee were satisfied that the premises user was suitably experienced and would be able to promote and uphold the four Licensing Objectives and therefore deemed it appropriate to grant the Temporary Event Notice.

Cllr R Hayes
Chair

LICENSING AND REGULATORY SUB-COMMITTEE

WEDNESDAY, 15 MAY 2024

Present:

Councillors Dawson (Vice-Chair), Peart and Rollason

Apologies:

Councillors Henderson

Officers in Attendance:

Licensing Manager

Legal Assistant

85. APOLOGIES

Apologies from Cllr Henderson.

86. DECLARATIONS OF INTEREST (IF ANY)

None.

87. MINUTES

The Minutes of the meeting held on 5 March 2024, were approved as a correct record and signed.

88. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - DN62 WNU

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in April 2025, with no advisories and that the vehicle passed its annual taxi inspection test on 10 May 2024 with an advisory relating to the exhaust. The Applicant was in attendance and confirmed that the vehicle was booked in to have the advisory fixed on the 30 May 2024, and sooner if possible. The vehicle is leased out and so weekly checks are completed to ensure drivers are looking after the vehicle.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the Hackney Carriage Vehicle Licence Extension as detailed in the report with the additional condition of 6 monthly taxi inspection tests to monitor the condition of the vehicle due to its age.

89. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - DX13 OVS

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in May 2025, with three advisories and one minor defect. The vehicle failed its annual taxi inspection test on 3 May 2024 due to the taxi light not working. The vehicle had not been booked in to be retested and there has been no communication from the applicant as to when it would be. The Applicant was in not attendance.

The Sub-Committee were not satisfied that the Applicant had not arranged a retest and had not been in communication with Licensing Officers as to when or if the defective light would be fixed. The taxi light is an important visual indicator for members of the public to be able to seek out properly licensed vehicles and the Council's policy states that a Hackney Carriage must carry an illuminated sign.

Decision

Accordingly, the Sub-Committee refused to grant the Hackney Carriage Vehicle Licence Extension as detailed in the report due to the failed vehicle test along with the lack of communication as to when the issue will be fixed, and when the vehicle will be retested as is a requirement of the Council's Licensing Policy.

90. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - KV08 XOC

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in April 2025, with no advisories and that the vehicle passed its annual taxi inspection test on 30 April 2024 with an advisory relating to the tyres. The Applicant was unable to be in attendance, but the Licensing Manager confirmed that the advisory had been fixed.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the Hackney Carriage Vehicle Licence Extension as detailed in the report but felt that an additional condition of 4 monthly taxi inspection tests due to the age of the vehicle was reasonable to ensure the vehicle remains in a sound condition.

91. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - KV09 WPK

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in April 2025, with no advisories and that the vehicle annual taxi inspection test was booked in for the 17 May 2024. This was after the sub-committee due to a lack of available test dates at the depot.

The Sub-Committee did not feel that they could reach an informed decision without the vehicle test inspection having been completed.

Decision

Accordingly, the Sub-Committee deferred the Hackney Carriage Vehicle Licence Extension request to the next available sub-committee so that a decision can be made with all the relevant information provided.

92. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - MK12 YWA

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in March 2025, with no advisories and that the vehicle originally failed its annual taxi inspection test due to a faulty airbag sensory light but then passed the retest on 08 May 2024. The Applicant was in attendance and confirmed that the advisories had all been fixed and the vehicle is regularly taken to the mechanic to be checked.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition as the issues had been fixed and felt that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the Hackney Carriage Vehicle Licence Extension as detailed in the report with the additional condition of 6 monthly taxi inspection tests to monitor the condition of the vehicle due to its age

93. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - SA14 CAB

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in May 2025, with no advisories and that the vehicle passed its annual taxi inspection test on 13 May 2024 with no advisories. The Applicant was not in attendance.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the Hackney Carriage Vehicle Licence Extension as detailed in the report with the additional condition of 6 monthly taxi inspection tests to monitor the condition of the vehicle due to its age.

Cllr R Dawson
Chair

TEIGNBRIDGE DISTRICT COUNCIL

LICENSING AND REGULATORY SUB COMMITTEE

14 June 2024

PART I

Report Title	Request for Hackney Carriage Vehicle Extension for further 12 months KV09 WPK Silver Mercedes E220
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 Eassa Alipour
Options	The Committee may: a. Grant the request, with or without conditions; or b. Refuse the request.
Report Author	Andrea Furness, Licensing Manager licensing@teignbridge.gov.uk
Appendices / Background Papers	A: Request for extension B: MOT history C: Photographs

1. APPLICATION DETAILS

- 1.1 Vehicle first registered – 30 March 2009
Age of vehicle, if granted – 15 years and 2 month
Hackney Carriage licence expired on – 10 June 2024

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 2025 with no advisories.
- 1.3 Vehicle inspection took place on 17 May 2024 and initially failed on the near side front ball joint had excessive up and down movement. This has been repaired and passed the vehicle inspection on 22 May 2024.
- 1.4 **Licensing Officer:**
Vehicle checked – 24 April 2024
Officer comments:
The interior and exterior of this vehicle is in excellent condition with no visible signs of wear and tear or any damage to the body work. This is one of two vehicles used only for school contracts and therefore has low annual mileage.

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, were 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.’

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 12/04/2024 15:09

Good Afternoon

The reasoning for the application is that Eassa needs to continue working the school contract with DCC for extra income to supplement his state pension. He has a medical annually and wants to work as long as he passes the medical.

The vehicles were purchased new from Mercedes, he therefore has a history of the vehicle which he maintains with Mercedes parts. He would not be suitable for a loan for a new vehicle and is comfortable running the vehicle he has maintained fondly.

Kind regards

Denise Alipour

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Check MOT history

This is a new service – [Complete a quick survey \(https://www.smartsurvey.co.uk/s/GIZZX?vrm=KV09WPK&make_result=MERCEDES-BENZ&model_result=E&mot_first_used_date=2009-03-30&vehicle_age=5505&mot_expiry_date=2025-04-26&mot_expiry_date_days_left=366&user_satisfaction_banner=0&vehicle_data_origin=MTS&vehicle_type=LGV\)](https://www.smartsurvey.co.uk/s/GIZZX?vrm=KV09WPK&make_result=MERCEDES-BENZ&model_result=E&mot_first_used_date=2009-03-30&vehicle_age=5505&mot_expiry_date=2025-04-26&mot_expiry_date_days_left=366&user_satisfaction_banner=0&vehicle_data_origin=MTS&vehicle_type=LGV) to help us improve.

[< Back](#)

KV09 WPK

MERCEDES-BENZ E

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

Colour
Silver

Fuel type
Diesel

Date registered
30 March 2009

MOT valid until
26 April 2025

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

[Download test certificates \(/enter-document-reference?registration=KV09WPK\)](/enter-document-reference?registration=KV09WPK)

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
10 April 2024

Mileage
319,838 miles

MOT test number
7188 7492 5630

PASS

Test location

Expiry date
26 April 2025

[View test location](#)

Date tested
8 April 2024

Mileage
319,835 miles

MOT test number
7505 4865 8820

FAIL

Test location

▶ [View test location](#)

Do not drive until repaired (dangerous defects):

- **Nearside Front Tyre tread depth below requirements of 1.6mm (5.2.3 (e))**
- **Offside Front Tyre tread depth below requirements of 1.6mm (5.2.3 (e))**
- **Nearside Rear Brake pad(s) less than 1.5 mm thick (1.1.13 (a) (ii))**

Monitor and repair if necessary (advisories):

- **Offside Front Service brake binding but not excessively (1.2.1 (f))**
- **Nearside Play in steering rack inner joint(s)**

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

Date tested
29 March 2023

PASS

Mileage
304,993 miles

Test location

▶ [View test location](#)

MOT test number
7124 8670 3493

Expiry date
26 April 2024

Date tested
27 March 2023

FAIL

Mileage
304,934 miles

Test location

▶ [View test location](#)

MOT test number
1249 7940 2282

Repair immediately (major defects):

- **Offside Front Suspension component ball joint excessively worn onto track control arm (5.3.4 (a) (i))**

Monitor and repair if necessary (advisories):

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

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

Date tested
30 March 2022

PASS

Mileage
289,676 miles

Test location

32

MOT test number
7757 4608 7269

Expiry date
26 April 2023

▶ [View test location](#)

Date tested
28 March 2022

FAIL

Mileage
289,671 miles

Test location

▶ [View test location](#)

MOT test number
9098 2426 3748

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))**

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

Date tested
15 April 2021

PASS

Mileage
273,896 miles

Test location

▶ [View test location](#)

MOT test number
4011 6374 8686

Expiry date
26 April 2022

Date tested
10 April 2021

FAIL

Mileage
273,896 miles

Test location

▶ [View test location](#)

MOT test number
5035 8647 8208

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))

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

Date tested
27 April 2020

PASS

Mileage
270,141 miles

Test location

▶ [View test location](#)

MOT test number
4420 3475 7589

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))

▶ [What are advisories?](#)

Date tested
27 April 2020

FAIL

Mileage
270,141 miles

Test location

▶ [View test location](#)

MOT test number
5431 1841 3310

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))

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

Date tested
24 April 2019

PASS

Mileage
246,021 miles

Test location
▶ [View test location](#)

MOT test number
6563 7835 1693

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. [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
15 May 2018

PASS

Mileage
216,168 miles

Test location
▶ [View test location](#)

MOT test number
5222 3915 9149

Expiry date
10 June 2019

Date tested
15 May 2017

PASS

Mileage
179,313 miles

Test location
▶ [View test location](#)

MOT test number
7519 2056 6625

Expiry date
10 June 2018

Date tested
15 May 2017

FAIL

Mileage
179,312 miles

Test location
▶ [View 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)**

▶ [What are failures?](#)

Date tested
25 May 2016

PASS

Mileage
142,083 miles

Test location
35

MOT test number
3507 1486 1072

Expiry date
10 June 2017

▶ [View test location](#)

Advisory notice item(s)

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

▶ [What are advisories?](#)

Date tested
19 May 2016

FAIL

Mileage
141,936 miles

MOT test number
3667 7533 2886

Test location

▶ [View test location](#)

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)**

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

Date tested
18 May 2015

PASS

Mileage
106,735 miles

MOT test number
3875 5863 5190

Test location

▶ [View test location](#)

Expiry date
10 June 2016

Advisory notice item(s)

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

▶ [What are advisories?](#)

Date tested
22 May 2014

PASS

Mileage
58,703 miles

MOT test number
3372 9284 4109

Test location

▶ [View test location](#)

Expiry date
10 June 2015

Advisory notice item(s)

- nearside rear tyre down to 2 mm

▶ [What are advisories?](#)

Date tested
11 June 2013

PASS

Mileage
16,354 miles

Test location

▶ [View 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

▶ [View test location](#)

MOT test number
7498 5913 2105

Expiry date
17 May 2013

Check for vehicle recalls

See if MERCEDES-BENZ E KV09WPK has outstanding recalls

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Teignbridge District Council - Vehicle Inspection Sheet

Annual / 6 Monthly / 4 Monthly / MOT

Hackney Carriage/Private Hire
Plate No 11067

Owner Mr Ali Poon
Mileage 321034 No. Passengers 4

Date 17-05-24
Registration No KU09 WPK

	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	/	/	✓	N/S/R balljoint has excessive up + down movement
7 Rear Suspension	/			
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>82%</u>	/			
23 Efficiency - Handbrake <u>35%</u>	/			
Tyres & Wheels				
24 Tyre Type & Condition	/			
25 Road Wheels	/			
General				
26 Compliance with current MOT reqs.	/	/	✓	See no. 6
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	/			
46 Fuel & Oil Leaks	/			
47 Tariff Card Displayed	/			
48 Livery Compliant	/			
49 Windows Operational	/			

Brake Test Results	
NSF <u>407</u>	OSF <u>362</u>
NSR <u>323</u>	OSR <u>321</u>
NSH <u>284</u>	OSH <u>326</u>
Brake Weight	<u>1730</u>
Emission Test Value	<u>3.2</u>
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~~ Retested 22/5
I have also checked the fare/meter over a prescribed distance and it is correct

Signed: _____
Print Name _____
Passed R _____
Signed _____

Date 17-05-24

Date 22/5/24

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