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23 July 2024

LICENSING AND REGULATORY SUB-COMMITTEE

A meeting of the **Licensing and Regulatory Sub-Committee** will be held on **Wednesday, 31st July, 2024** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS
Managing Director

Membership:

Councillors Gearon, Hayes (Chair) and Sanders

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.

A G E N D A

Part I

1. **Apologies**
2. **Declarations of Interest (if any)**
3. **Request for Hackney Carriage Vehicle over 5 years - VK19 TWE** (Pages 3 - 16)
4. **Request for Private Hire Vehicle Extension for further 12 months - EXZ 599** (Pages 17 - 32)

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

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

6. **Review of Hackney Carriage Proprietor Licence** (Pages 33 - 54)

7. **Review of Hackney Carriage Driver Licence** (Pages 55 - 84)

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

31 July 2024

PART I

Report Title	Request for Hackney Carriage Vehicle over 5 years. VK19 TWE, White, Hundai Ioniq
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	Stefania-Lavinia Dobranel
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 licence B: MOT history C: Photographs

1. APPLICATION DETAILS

- 1.1 Vehicle first registered – 25 March 2019
Age of vehicle, if granted - 5 years and 4 months

The vehicle no longer meets the Council’s licensing policy as it is over 5 years of age.

- 1.2 MOT expires – 13 March 2024 with no advisories.

- 1.3 Vehicle inspection booked at the Depot on 30 July 2024. Details to be provided prior to 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:
To grant a 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, were 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.'

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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Committee Request

Good Morning

I would like to request that my vehicle is considered for licensing as a Hackney Carriage.

It is a white Hyundai Ioniq saloon. It was 1st registered 25th March 2019 and is 5 years and 4 months old. The vehicle has been licensed as a private hire in Torbay but I am now moving to Teignbridge to work as a Hackney Driver. The vehicle is in excellent condition inside and out and passed it's last MOT with no advisories.

I am starting out on my own and already have a school contract with Devon County Council. I cannot afford to change this top-quality vehicle for one that is a few months newer and hope that you will consider my application.

I have attached photographs of the vehicle inside and out.

Yours sincerely

Stefania-Lavinia Dobranel

11 July 2024

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Check MOT history

This is a new service – [Complete a quick survey \(https://www.smartsurvey.co.uk/s/GIZZX?vrm=VK19TWE&make_result=HYUNDAI&model_result=IONIQ&mot_first_used_date=2019-03-25&vehicle_age=1942&mot_expiry_date=2025-03-20&mot_expiry_date_days_left=245&user_satisfaction_banner=0&vehicle_data_origin=MTS&vehicle_type=LGV\)](https://www.smartsurvey.co.uk/s/GIZZX?vrm=VK19TWE&make_result=HYUNDAI&model_result=IONIQ&mot_first_used_date=2019-03-25&vehicle_age=1942&mot_expiry_date=2025-03-20&mot_expiry_date_days_left=245&user_satisfaction_banner=0&vehicle_data_origin=MTS&vehicle_type=LGV) to help us improve.

[< Back](#)

VK19 TWE HYUNDAI IONIQ

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

Colour
White

Fuel type
**Hybrid Electric
(Clean)**

Date registered
25 March 2019

MOT valid until
20 March 2025

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

[Download test certificates \(/enter-document-reference?registration=VK19TWE\)](/enter-document-reference?registration=VK19TWE)

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).

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MOT history

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

[Hide](#)

Date tested
13 March 2024

PASS

Mileage
70,566 miles

Test location

[▶ View test location](#)

MOT test number
5834 8804 8200

Expiry date
20 March 2025

21 March 2023

PASS

47,361 miles

Test location

▶ [View test location](#)

9192 8024 2005

Expiry date

20 March 2024

Date tested
5 May 2022

PASS

Mileage
23,899 miles

Test location

▶ [View test location](#)

MOT test number
3510 9783 9957

Expiry date

4 May 2023

Date tested
11 January 2022

PASS

Mileage
21,923 miles

Test location

▶ [View test location](#)

MOT test number
8691 3170 6164

Expiry date

10 January 2023

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).

Check for vehicle recalls

See if HYUNDAI IONIQ VK19TWE has outstanding recalls

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TEIGNBRIDGE DISTRICT COUNCIL

LICENSING AND REGULATORY SUB COMMITTEE

31 July 2024

PART I

Report Title	Request for Private Hire Vehicle Extension for further 12 months EXZ 599 Silver Mercedes Benz
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 Kevin 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: Request for extension B: MOT history C: Photographs

1. APPLICATION DETAILS

- 1.1 Vehicle first registered – 1 March 2011
Age of vehicle, if granted - 13 years and 5 months
Private Hire licence expires – 2 August 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 on 8 February 2025 with no advisories.
1.3 Vehicle inspection details will be provided at committee.

1.4 Licensing Officer:

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 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, 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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To the Committee

We would like to extend the private hire plate on this vehicle it is used mainly for a handful of executive customers hence the low mileage.

Mercedes EXZ 599

P569

Thanks Kevin

Hummer 4u limited.

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Check MOT history

This is a new service – [Complete a quick survey \(https://www.smartsurvey.co.uk/s/GIZZX?vrm=EXZ599&make_result=MERCEDES-BENZ&model_result=S-Class&mot_first_used_date=2011-03-01&vehicle_age=4889&mot_expiry_date=2025-02-08&mot_expiry_date_days_left=204&user_satisfaction_banner=0&vehicle_data_origin=MTS&vehicle_type=LGV\)](https://www.smartsurvey.co.uk/s/GIZZX?vrm=EXZ599&make_result=MERCEDES-BENZ&model_result=S-Class&mot_first_used_date=2011-03-01&vehicle_age=4889&mot_expiry_date=2025-02-08&mot_expiry_date_days_left=204&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
8 February 2025

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

[Download test certificates \(/enter-document-reference?registration=EXZ599\)](/enter-document-reference?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
9 February 2024

Mileage
94,050 miles

MOT test number
2475 4193 1079

PASS

Test location

[View test location](#)

Expiry date
8 February 2025

Date tested
12 July 2023

Mileage
87,713 miles

MOT test number
5039 6106 6943

PASS

Test location

▶ [View test location](#)

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

MOT test number
1189 6293 5769

Test location

▶ [View test location](#)

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

MOT test number
7637 9286 2875

Test location

Expiry date
19 April 2022

▶ [View test location](#)

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

Mileage
74,005 miles

MOT test number
2151 6800 5059

FAIL

Test location

▶ [View test location](#)

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

MOT test number
2064 4797 7060

Test location

Expiry date
19 April 2021

▶ [View test location](#)

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

MOT test number
9565 1623 9868

Test location

▶ [View test location](#)

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

Mileage
20,628 miles

MOT test number
7368 3361 4111

PASS

Test location

▶ [View test location](#)

Expiry date
22 April 2015

Check for vehicle recalls

See if MERCEDES-BENZ S-Class EXZ599 has outstanding recalls

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