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04 December 2024

LICENSING AND REGULATORY SUB-COMMITTEE

A meeting of the **Licensing and Regulatory Sub-Committee** will be held on **Thursday, 12th December, 2024** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS
Managing Director

Membership:

Councillors Dawson, 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. **Minutes** (Pages 3 - 16)
To approve and sign the Minutes of the meetings held on 30 September 2024, 28 October 2024 and 14 November 2024.

4. **Request for Private Hire Vehicle Licence for Vehicle over 5 years with small plate - LN67 JVG** (Pages 17 - 34)
5. **Request for Hackney Carriage Vehicle Extension for further 12 months - FM12 CUY** (Pages 35 - 52)

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

7. **Application for Combined Hackney Carriage / Private Hire Drivers Licence** (Pages 53 - 62)

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

LICENSING AND REGULATORY SUB-COMMITTEE**MONDAY, 30 SEPTEMBER 2024****Present:**

Councillors Bradford, Hayes (Chair) and Rollason (Vice-Chair)

Officers in Attendance:

Licensing Officer

Legal Assistant

120. APOLOGIES

None.

121. DECLARATIONS OF INTEREST (IF ANY)

None.

122. MINUTES

The Sub-Committee noted that there was an error in the Minutes from the previous meeting attached to the agenda which incorrectly recorded the date of the meeting held on the 31 July 2024 as the 30 July 2024.

It was proposed by Cllr Hayes and seconded by Cllr Bradford that the Minutes of the meeting held on the 28 August 2024 be approved with the amendment made to the date on the printed public minutes. The minutes were therefore unanimously approved as a correct record and signed by the Chair.

123. REQUEST FOR HACKNEY CARRIAGE VEHICLE OVER 5 YEARS - DA17 WTF

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 passed its annual taxi inspection test on 13 September 2024. The Applicant was in attendance and answered questions put to them by the Sub-Committee.

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 Hackney Carriage Vehicle Licence as detailed in the report with the additional condition of a six month vehicle test to monitor the condition of the vehicle due to its age.

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

It was proposed by Cllr Hayes, seconded by Cllr Rollason and unanimously agreed that the meeting move into Part II for the next agenda item.

125. 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 Vehicle Driver's Licence.

The Applicant attended the meeting in person and 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 Rollason, and

RESOLVED that the application for a new combined Hackney Carriage Vehicle Drivers Licence be granted under Section 51 (1)(a) and Section 59 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee felt that the conduct of the Applicant as set out in the Report and supporting documents, along with representations made, supported its view that they are 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 or attempting to drive with alcohol level above limit in February 2020, along with the current licence endorsement for exceeding the speed limit on a motorway in January 2022. The Sub-Committee noted that the convictions are 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. The Sub-Committee were also informed that the Applicant had disclosed one of two convictions on his application.

In response to questioning the Applicant explained to the Sub-Committee that he had disclosed the two convictions but for some reason one had not shown up, he is unsure why but there was no intention to mislead the Licensing Officers.

The Applicant further went on to explain the reasons for his conviction for driving or attempting to drive with alcohol level above limit. He had been drinking the night

before and was stopped by police the following morning for being over the limit. He received a fine and disqualification for 17 months and the length of disqualification had been reduced following the completion of a course. The Applicant said this course had opened his eyes to the seriousness of what he had done even if this had been unintentional.

The Sub-Committee heard that the conviction has changed his whole life, and he deeply regrets what happened. He lost his job as a taxi driver and now very rarely drinks. He also has a daughter to support along with his partner and he wants to find better paid and more stable work to be able to do this which is what he hopes the taxi driver's licence will provide.

The Sub-Committee thanked the Applicant for appearing before them and for answering their questions. The Sub-Committee noted the Applicant's history and that the offence had happened in 2020. They accepted that he appeared to be remorseful, had not intentionally set out to drive whilst over the limit and had completed the period of disqualification along with an additional course to reduce this sentence. Other than the one offence of speeding in January 2022, there have been no other causes for concern raised. The Sub-Committee understood that he had previously worked as a taxi driver and wanted to get back to a career he enjoyed and feels he is good at. Whilst a person's livelihood and impact on family is not a consideration to be taken into account, the Sub-Committee could understand the Applicant's desire to rebuild his life and move forward.

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 be. The Sub-Committee noted its overriding duty to the public, and of the importance of public safety and considered that, on balance, there was no cause to show that the Applicant was not a fit and proper person to hold a Licence. The Sub-Committee considered Government guidance along with guidance from the Institute of Licensing that a licence not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban, but felt on this occasion the Applicant had shown sufficient remorse and understanding of the severity of the offence committed, along with completing the necessary course to educate himself to avoid making the same mistake again and to reduce his driving ban.

The Sub-Committee therefore considered given the circumstances of this case that it be reasonable to grant the Applicant's request for a new combined Hackney Carriage / Private Hire Drivers Licence. The Sub-Committee stressed to the Applicant that if there was any cause for concern then he could be put back before the Sub-Committee and have his licence reviewed.

126. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - INCLUSION OF PRESS AND PUBLIC

It was unanimously agreed that the meeting move back into Part I for the remaining agenda item.

127. APPLICATION FOR A NEW PREMISES LICENCE – BASKERVILLES ICE CREAM PARLOUR AND COFFEE SHOP

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 Baskervilles Ice Cream Parlour and Coffee Shop, 2-4 Ford Street, Moretonhampstead, TQ13 8LN.

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

A representative for those who had submitted representations also attended the meeting.

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 Rollason and seconded by Councillor Hayes, and

RESOLVED that the Application in respect of a new Premises Licence for Baskervilles Ice Cream Parlour and Coffee Shop, 2-4 Ford Street, Moretonhampstead, TQ13 8LN be granted for the supply of alcohol for consumption on the premises with food but with the following amendments to the hours requested:

Monday to Saturday 10am-7.30pm
Sunday 10am-4.30pm

Reasons for the decision:

The Sub-Committee heard from the Licensing Officer who confirmed that the application had been submitted to allow the supply of alcohol for consumption on the premises 7 days a week. The 9 representations received related mainly to the protection of children from harm, public safety and the prevention of public nuisance specifically an increase in noise.

The Sub-Committee then heard from the Objectors' spokesperson who stated some had been too scared to speak up. Objectors are primarily concerned with the impact the noise will have on the surrounding residential homes. The premises is surrounded by stone walls and noise is amplified and reflected back from other tall buildings. This is further exacerbated in the evening when it is naturally quieter and there is a concern that people having consumed alcohol will make the premises louder still. The Objectors' spokesperson believes that effective mitigation has not been submitted by the applicant to address these concerns as the only mitigation mentioned is a reference in the application to staff being trained.

Objectors are also concerned about the safety of children and the potential for issues to be caused from alcohol being served where ice cream is also served to children. The spokesperson also mentioned the risk of drunk customers wandering out of the premises into traffic as there is no pavement and only a swing gate and

low wall to separate people from the road. There were further concerns that the building could pose a safety risk to the public as it was not believed building regulations had been signed off for the works undertaken.

The spokesperson continued and explained to the Sub-Committee that it is felt the Applicants are trying to circumvent the planning restrictions put on the property by Dartmoor National Park relating to the hours that outside drinking and eating is allowed by applying for longer hours on the premises licence.

There were also further allegations that the Applicants have been speaking to those who had submitted representations and making them feel intimidated if they do not agree to withdraw these. There has been no open communication between the Applicants and local residents to find a common ground, and those who have submitted representations feel they have been treated with contempt.

The Applicant's representative then spoke in response to the allegations and confirmed that there is misinformation being spread and whilst they understand the objectors' concerns, there is also a lot of support within the village for this application. The area relies heavily on tourism and the Applicants are looking for ways to cope with the loss of trade during the winter. The parlour also supports the local post office to stay open and its supporters are the silent majority. There are pubs and restaurants already within the vicinity of the Objector's houses. It is not an unsafe premises; the garden is enclosed, and other local pubs also open directly onto the road. It is felt by the Applicants that the objections are a personal attack as similar licensed premises do not seem to attract the same objections.

When questioned if they had approached objectors the Applicant confirmed she had but denied this was meant to intimidate. She approached only to discuss the food that would be served and to reassure that any smells shouldn't affect them due to the proximity of the Objector's garden. She had also approached another Objector to discuss the allegations that she felt were slanderous and she wanted to get to the bottom of. The Applicant also stated she had monitored noise and smell in the neighbouring streets to see if there was an issue but there did not appear to be any.

In response to further questions the Applicants confirmed that they do not want to be able to provide off sales, they just want the option to serve alcohol with meals, including lunches, which they now have the correct planning permission for. Currently the food they offer are curries and similar and they are expanding this depending on client wants. The hours applied for are different to those set out in the planning permission as they will be looking to apply to vary the planning permission in due course and were trying to avoid the need to submit a further application to vary the premises licence.

The Applicant also confirmed that they had the necessary sign off from building regulations for the works that had been completed which include new electrics, a new roof and toilets. The garden itself is walled with astroturf and it is not felt that noise from the garden is excessive. The Applicant noted that they did not have the

correct planning permission when the last premises licence application was submitted but they now do.

The DPS was then permitted to speak to the Sub-Committee and confirmed that she and her partner have 25 years' experience of working in and running licenced establishments. They have been trained by big companies such as Wetherspoons and have won awards for standards. Her partner is also door trained. Customers will be told to keep the noise down and the DPS has no concerns with ensuring this happens.

A licensing policy has been written for the premises and all staff will be trained and expected to adhere to this. Currently there are 5 staff members and no concerns about their ability to learn and implement the rules. In summer it is likely they will employ more people and again they will be properly trained. Further mitigations to protect children are that there will be a drinks list to order from when ordering a meal and no alcohol in open fridges. They are also considering not allowing children onto the premises without an adult in the evening. The applicants will adhere to challenge 25, look to take bookings and also undertake toilet checks. Any disruptive behaviour would be dealt with straight away. There are also no plans to have music playing which will help to mitigate noise levels. It is believed a well-managed premises will attract well-mannered people.

The DPS also stated that they do not expect to be open for the entirety of the hours that have been applied for, especially in winter, but it provides flexibility should they wish to.

The Sub-Committee thanked the Applicant for attending and answering their questions. They felt that the Applicant had shown they were trying to become a more diverse and viable business, especially during the winter months and had put thought into the application and how they can mitigate the perceived risks such as with producing their own licensing procedure. The Sub-Committee considered that currently there is outside seating that customers use and did not feel that the provision of alcohol with meals seemed likely to result in large numbers of additional people outside making noise. The Sub-Committee also noted that planning permission had been granted for outside eating and drinking until 9pm and felt that refusing the licence completely would be in conflict with this.

The Sub-Committee noted the concerns of the persons who had submitted the representations and empathised that living near a licensed venue could have the potential to be noisy, especially with the outside area. However, the premises is within the town centre, and it is impossible to mitigate against all noise levels. The planning permission, although not a material consideration, has already limited outside eating and drinking to between the hours of 9am and 9pm and it was felt that applying further conditions to the licence sought could also go towards providing mitigation for the residents whilst allowing the Applicant the licence.

The Sub-Committee further noted that the actual opening hours of the premises are likely to be less than those applied for within the licence. Taking this into consideration it was felt a condition restricting the hours the premises is licenced for

could provide mitigation and compromise for both the Applicant and the residents, noting that one objector had suggested limited hours could be considered acceptable. They were impressed by the DPS and felt that they seemed credible and experienced in running licensed establishments and could effectively uphold the licensing objectives. As such the Sub-Committee felt that the impact on neighbours is likely to be less than feared.

The Sub-Committee also felt that the Applicant and the DPS in particular had shown they had thought about ways to mitigate against the children coming to harm by not having alcohol on sale openly and potentially limiting their access to the premises in the evenings unless with an adult. The premises' main function is not the sale of alcohol and so the Sub-Committee did not feel it appropriate to apply conditions limiting children's access to the premises itself.

With regard to public safety, it was not felt that it was reasonable to condition this. Once customers have left the premises, it should not be for the licence holders to be responsible for their actions. The outside space is separated from the road by a wall and gate, and it was difficult to see how this could be conditioned to protect the public from a possible risk of passing traffic when they leave.

There had also been no objection to the application from the responsible authorities and the conditions suggested by the Police had been agreed. Should there be any issues in the future then residents are able to contact the Council and put a complaint in using the relevant processes and the Sub-Committee felt that this provided sufficient recourse if required.

The Sub-Committee did note the allegations of intimidating behaviour but felt they could not take this into consideration as this is a private matter and should be reported to the appropriate authorities as necessary.

The Sub-Committee having considered the application submitted and having heard from those present and being mindful of representations and Statutory Code of Guidance and Licensing policy, felt that on balance it could not refuse this application but did feel it necessary to condition the application in the interests of mitigating the risk of Public Nuisance to the surrounding neighbours by reducing the amount of hours the premises can sell alcohol.

The Sub-Committee were satisfied that the Applicant was suitably experienced and would be able to promote and uphold the four Licensing Objectives and therefore deemed it appropriate to grant the premises licence but with an additional condition of reduced hours for the sale of alcohol for consumption on the premises with food.

Cllr R Hayes
Chair

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LICENSING AND REGULATORY SUB-COMMITTEE

MONDAY, 28 OCTOBER 2024

Present:

Councillors Bradford, Hayes (Chair) and Sanders

Officers in Attendance:

Licensing Manager

Legal Assistant

128. APOLOGIES

None.

129. DECLARATIONS OF INTEREST (IF ANY)

None.

130. REQUEST FOR HACKNEY CARRIAGE VEHICLE OVER 5 YEARS - OV66 ZGZ

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 advisories but these have now been rectified. The vehicle passed its annual taxi inspection test on 10 October 2024 with no advisories. The Applicant was not in attendance and did not send a representative.

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 Hackney Carriage Vehicle Licence as detailed in the report with no additional conditions.

131. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - WH63 KPE

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 October 2025, with no advisories. The vehicle passed its annual taxi inspection test on 22 October 2024 with advisories which have been fixed. The Applicant was in attendance and answered questions relating to the vehicle advisories.

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 that the vehicle undergoes a six monthly vehicle test to monitor the condition of the vehicle due to its age and mileage that is covered.

132. REQUEST FOR PRIVATE HIRE VEHICLE LICENCE FOR VEHICLE OVER 5 YEARS - S16 EXC

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 2025, with no advisories and the vehicle passed its annual taxi inspection test on 10 October 2024 with no advisories. The Applicant's representative was in attendance and answered questions from the Sub-Committee.

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 as detailed in the report with the additional condition of a six monthly vehicle test to monitor the vehicle due to its age.

Cllr R Hayes
Chair

LICENSING AND REGULATORY SUB-COMMITTEE

THURSDAY, 14 NOVEMBER 2024

Present:

Councillors Gearon, Rollason (Vice-Chair) and Sanders

Apologies:

Councillors Peart

Officers in Attendance:

Licensing Officer

Legal Assistant

133. APOLOGIES

Apologies from Cllr Peart.

134. DECLARATIONS OF INTEREST (IF ANY)

None.

135. REQUEST FOR A SMALL PLATE FOR A PRIVATE HIRE VEHICLE - S16 EXC

The Sub-Committee considered an application for small plate request for a Mitsubishi Outlander vehicle registration S16 EXC.

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's would be used for weddings, funerals and other executive travel. The Applicant was not in attendance and did not send a representative.

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 small plate request due to the nature of the work the vehicle will be used for.

136. REQUEST FOR A SMALL PLATE FOR A PRIVATE HIRE VEHICLE - YG70 MDZ

The Sub-Committee considered an application for small plate request for a BMW 740 LD vehicle registration YG70 MDZ.

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle would be used for weddings, funerals and other executive travel. The Sub-Committee also noted that the registration plate on the car was to be changed to EXZ 740. The Applicant was not in attendance and did not send a representative.

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 grants the small plate request due to the nature of the work the vehicle will be used for.

137. REQUEST FOR A SMALL PLATE FOR A PRIVATE HIRE VEHICLE - CB02 ALE

The Sub-Committee considered an application for small plate request for a Volkswagen Touareg Hybrid vehicle registration CB02 ALE.

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle would be used primarily for weddings, funerals and other executive travel and as such a smaller plate would be more discreet and favoured by customers.

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 small plate request due to the nature of the work the vehicle will be used for.

138. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - DY63 VKL

The Sub-Committee considered an application for a Hackney Carriage Vehicle Licence Extension for a Volkswagen Passat vehicle registration DY63 VKL.

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 2025, with advisories. The vehicle passed its annual taxi inspection test on 13 November 2024 with advisories. The Applicant was not in attendance and did not send a representative but had provided a statement which was read by the Licensing Officer.

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 that the vehicle

undergoes four monthly vehicle tests to monitor the condition of the vehicle due to the advisories listed and the age of the vehicle.

Cllr D Rollason
Chair

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TEIGNBRIDGE DISTRICT COUNCIL

LICENSING AND REGULATORY SUB COMMITTEE

12 December 2024

PART I

Report Title	Request for Private Hire Vehicle Licence for Vehicle over 5 years with small plate. LN67 JVG Land Rover
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 G Radmore
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 – 6 September 2017
Age of vehicle, if granted - 7 years and 2 months

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

- 1.2 MOT expires on 17 November 2025 with no advisories.

- 1.3 Vehicle inspection booked at the Depot on 6 December – details to be provided prior to the hearing.

1.4 **Licensing Officer:**

Vehicle inspected -
Officer comments.

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

Recommendation:

Whether to grant a licence or not. If the Committee resolves to license the vehicle, a condition can be imposed requiring the vehicle to have six or four monthly vehicle inspections.

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, were 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.'

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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Sat 30/11/2024 11:35

Dear committee,

I would like you to consider my application for a executive plate for my range rover sport please.

It's a 2017 model in a stunning burgundy colour.

The plan is to use it as wedding car as well. My sister owns the welcome stranger in Liverton, also has a operator's licence which she will take the booking via her .

This will also support her business as they cater for weddings.

I also believe this would make luxury travel for my passengers

Greg Radmore

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Check MOT history

Help us make this service better. Give us your [feedback](https://www.smartsurvey.co.uk/s/GIZZX?vrm=LN67JVG&make_result=LAND+ROVER&model_result=RANGE+ROVER+SPORT&mot_first_used_date=2017-09-06&vehicle_age=2633&mot_expiry_date=2025-11-17&mot_expiry_date_days_left=361&user_satisfaction_banner=0&vehicle_data_origin=MTS&vehicle_type=LGV) (https://www.smartsurvey.co.uk/s/GIZZX?vrm=LN67JVG&make_result=LAND+ROVER&model_result=RANGE+ROVER+SPORT&mot_first_used_date=2017-09-06&vehicle_age=2633&mot_expiry_date=2025-11-17&mot_expiry_date_days_left=361&user_satisfaction_banner=0&vehicle_data_origin=MTS&vehicle_type=LGV).

[Back](#)

LN67 JVG

LAND ROVER RANGE ROVER SPORT

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

Colour

Red

Fuel type

Diesel

Date registered

6 September 2017

MOT valid until

17 November 2025

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

[Download test certificates \(/enter-document-reference?registration=LN67JVG\)](/enter-document-reference?registration=LN67JVG)

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

18 November 2024

PASS

Mileage

119,067 miles

Test location

[View test location](#)

MOT test number

5774 1146 3147

Expiry date

17 November 2025

Date tested

7 September 2024

PASS

Mileage

111,055 miles

Test location

[View test location](#)

MOT test number

2036 3260 1447

Expiry date

6 September 2025

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

► [What are advisories?](#)

Date tested
27 June 2023

PASS

Mileage
101,243 miles

Test location

► [View test location](#)

MOT test number
6430 1158 1238

Expiry date
26 June 2024

Date tested
17 May 2022

PASS

Mileage
97,491 miles

Test location

► [View test location](#)

MOT test number
2884 5976 6584

Expiry date
16 May 2023

Date tested
11 August 2021

PASS

Mileage
83,165 miles

Test location

► [View test location](#)

MOT test number
4401 8476 7430

Expiry date
5 September 2022

Date tested
10 August 2021

FAIL

Mileage
83,165 miles

Test location

► [View test location](#)

MOT test number
7351 6438 3648

Do not drive until repaired (dangerous defects):

- **Nearside Rear Brake pad(s) less than 1.5 mm thick (1.1.13 (a) (ii))**

Repair immediately (major defects):

- **Nearside Front Tyre has a cut in excess of the requirements deep enough to reach the ply or cords (5.2.3 (d) (i))**
- **Offside Front Tyre has a cut in excess of the requirements deep enough to reach the ply or cords (5.2.3 (d) (i))**

► [What are defects?](#)

Date tested
17 August 2020

PASS

Mileage
65,190 miles

Test location

▶ [View test location](#)

MOT test number
4455 4090 4427

Expiry date
5 September 2021

Date tested
17 August 2020

FAIL

Mileage
65,190 miles

Test location

▶ [View test location](#)

Do not drive until repaired (dangerous defects):

- **Offside Front Tyre has ply or cords exposed (5.2.3 (d) (ii))**

▶ [What are defects?](#)

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

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TEIGNBRIDGE DISTRICT COUNCIL

LICENSING AND REGULATORY SUB COMMITTEE

12 December 2024

PART I

Report Title	Request for Hackney Carriage Vehicle Extension for further 12 months. FM12 CUY Black BMW Series 5
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 A Hiew
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 D: Inspection sheet

1. APPLICATION DETAILS

- 1.1 Vehicle first registered – 10 August 2012
Age of vehicle, if granted - 12 years and 4 months
Hackney Carriage licence expires – 5 December 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 27 October 2025 with 1 minor defect and 2 advisories.

- 1.3 Vehicle passed the inspection at the Depot on 28 November with 2 advisories.

1.4 **Licensing Officer:**

Vehicle checked -
Officer comments.

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, 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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21 November 2024

I would like to renew my H011 vehicle license please. Reason being that i was unable to find a suitable replacement taxi for the last 12 months. I have been looking and came close to purchase Bogdan Constantinescu's taxi. Deal were made, but Bogdan changed his mind on the day of the exchange. This happened around about 2 months ago. So i would like to ask for more time in searching.

The Car itself is still in good condition. it passes the MOT recently with minor advisory. Rust on the suspension which my mechanic assure me its not a problem. Got 4 brand new tyres, hopefully it will last a while. It still runs like 4-5 years ago when i first bought the car. And i believe it is still road worthy.

The plan now is perhaps buy a new car and convert it into taxi. Maybe early next year, not sure. With Christmas coming up and I still got school run to do. It's going to be busy and i will still need this car to do the job. I hope to get this extension on the car.

Thank you for your time.

Andrew Hiew.

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Check MOT history

Help us make this service better. Give us your [feedback](https://www.smartsurvey.co.uk/s/GIZZX?vrm=FM12CUY&make_result=BMW&model_result=5+SERIES&mot_first_used_date=2012-08-10&vehicle_age=4490&mot_expiry_date=2025-10-27&mot_expiry_date_days_left=336&user_satisfaction_banner=0&vehicle_data_origin=MTS&vehicle_type=LGV) (https://www.smartsurvey.co.uk/s/GIZZX?vrm=FM12CUY&make_result=BMW&model_result=5+SERIES&mot_first_used_date=2012-08-10&vehicle_age=4490&mot_expiry_date=2025-10-27&mot_expiry_date_days_left=336&user_satisfaction_banner=0&vehicle_data_origin=MTS&vehicle_type=LGV).

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FM12 CUY BMW 5 SERIES

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

Colour
Black

Fuel type
Diesel

Date registered
10 August 2012

MOT valid until
27 October 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=FM12CUY) (</enter-document-reference?registration=FM12CUY>)

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
22 October 2024

Mileage
244,071 miles

MOT test number
3239 8995 8831

PASS

Test location
41

Expiry date

Repair as soon as possible (minor defects):

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

Monitor and repair if necessary (advisories):

- **Nearside Front Lower Suspension arm pin or bush worn but not resulting in excessive movement front arm (5.3.4 (a) (i))**
- **Offside Front Lower Suspension arm pin or bush worn but not resulting in excessive movement front arm (5.3.4 (a) (i))**

▶ [What are advisories?](#)

Date tested
21 October 2024

Mileage
244,026 miles

MOT test number
2749 7906 0826

FAIL

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))**

Repair as soon as possible (minor defects):

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

Monitor and repair if necessary (advisories):

- **Offside Rear Tyre worn close to legal limit/worn on edge 1.8mm (5.2.3 (e))**
- **Nearside Front Lower Suspension arm pin or bush worn but not resulting in excessive movement front arm (5.3.4 (a) (i))**
- **Offside Front Lower Suspension arm pin or bush worn but not resulting in excessive movement front arm (5.3.4 (a) (i))**

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

Date tested
27 October 2023

Mileage
221,835 miles

MOT test number
2185 7997 2369

PASS

Test location

▶ [View test location](#)

Expiry date
27 October 2024

Monitor and repair if necessary (advisories):

- **Offside Front Track rod end ball joint has slight play (2.1.3 (b) (i))** 42

- Offside Front Suspension arm pin or bush worn but not resulting in excessive movement (5.3.4 (a) (i))
- Nearside Front Suspension arm pin or bush worn but not resulting in excessive movement (5.3.4 (a) (i))

► [What are advisories?](#)

Date tested
28 October 2022

PASS

Mileage
202,458 miles

Test location

► [View test location](#)

MOT test number
1188 5402 0090

Expiry date
27 October 2023

Monitor and repair if necessary (advisories):

- Oil leak, but not excessive (8.4.1 (a) (i))
- Nearside Front Lower Suspension arm pin or bush worn but not resulting in excessive movement (5.3.4 (a) (i))
- Offside Front Lower Suspension arm pin or bush worn but not resulting in excessive movement (5.3.4 (a) (i))
- Nearside Rear Shock absorbers has light misting of oil (5.3.2 (b))
- Rear Brake disc worn, but not excessively both sides (1.1.14 (a) (i))

► [What are advisories?](#)

Date tested
27 October 2022

FAIL

Mileage
202,458 miles

Test location

► [View test location](#)

MOT test number
5034 1326 1070

Do not drive until repaired (dangerous defects):

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

Repair immediately (major defects):

- Nearside Front Windscreen wiper does not clear the windscreen effectively (3.4 (b) (ii))

Monitor and repair if necessary (advisories):

- Oil leak, but not excessive (8.4.1 (a) (i))
- Nearside Front Lower Suspension arm pin or bush worn but not resulting in excessive movement (5.3.4 (a) (i))
- Offside Front Lower Suspension arm pin or bush worn but not resulting in excessive movement (5.3.4 (a) (i))
- Nearside Rear Shock absorbers has light misting of oil (5.3.2 (b))

- **Rear Brake disc worn, but not excessively both sides (1.1.14 (a) (i))**

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

Date tested
4 October 2021

PASS

Mileage
159,816 miles

Test location

► [View test location](#)

MOT test number
3245 0386 3217

Expiry date
19 October 2022

Date tested
20 October 2020

PASS

Mileage
137,649 miles

Test location

► [View test location](#)

MOT test number
1376 2034 3742

Expiry date
19 October 2021

Date tested
4 September 2019

PASS

Mileage
129,995 miles

Test location

► [View test location](#)

MOT test number
9159 5348 0354

Expiry date
4 September 2020

Date tested
15 August 2018

PASS

Mileage
112,282 miles

Test location

► [View test location](#)

MOT test number
4788 6468 7387

Expiry date
4 September 2019

Monitor and repair if necessary (advisories):

- **Front Brake pad(s) wearing thin (1.1.13 (a) (ii))**

► [What are 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
24 August 2017

Mileage
90,954 miles **44**

MOT test number
1763 8228 1402

PASS

Test location

► [View test location](#)

Expiry date

4 September 2018

Date tested
5 September 2016

PASS

Mileage
75,103 miles

Test location

► [View test location](#)

MOT test number
4599 3478 4850

Expiry date

4 September 2017

Date tested
5 September 2015

PASS

Mileage
53,601 miles

Test location

► [View test location](#)

MOT test number
2137 6597 6462

Expiry date

4 September 2016

Check for vehicle recalls

See if BMW 5 SERIES FM12CUY 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 H011

Owner Mr Andrew Hiew Date 28-11-24
Mileage 24659 No. Passengers 4 Registration No FM12CUY

	Pass	Fail	Re-Tested	Comments
Steering and Suspension				Advisories
1 Steering Control	/			
2 Steering Mechanism/System	/			31 Drivers door handle sticky/detached
3 Power Steering	/			inside
4 Transmission Shaft	/			
5 Wheel Bearings	/			36 Chip in Windscreen
6 Front Suspension	/			
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>71%</u>	/			
23 Efficiency - Handbrake <u>30%</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	/			opt November 25
40 Fire Extinguisher with Sticker	/			
41 First Aid Kit with Sticker	/			
42 No Smoking Stickers	/			
43 Rooflight Operational	/			
44 Current MOT/Date	/			27th October 25
45 Meter Fitted & Tested	/			
46 Fuel & Oil Leaks	/			
47 Tariff Card Displayed	/			
48 Livery Compliant	/			
49 Windows Operational	/			

Brake Test Results	
NSF <u>384</u>	OSF <u>322</u>
NSR <u>343</u>	OSR <u>276</u>
NSH <u>292</u>	OSH <u>277</u>
Brake Weight	<u>1820</u>
Emmission Test Value	<u>0.70</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

I have also [REDACTED] prescribed distance and it is correct

Signed: _____
Print Name: _____
Passed Re-Test
Signed: _____

Date 28-11-24

Date _____

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