

Forde House
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16 May 2018

REGULATORY & APPEALS COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Thursday, 24th May, 2018** in the Council Chamber - Forde House at **10.00 am**

Yours sincerely

NEIL AGGETT
Democratic Services Manager

Distribution:

- (1) The Members of the Regulatory & Appeals Committee

Councillor Beryl Austen
Councillor Sheila Cook
Councillor Charlie Dennis
Councillor Lorraine Evans
Councillor Ted Hockin
Councillor Rosalind Prowse

A link to the agenda on the Council's website is emailed FOR INFORMATION (less reports (if any) containing Exempt Information referred to in Part II of the agenda), to:

- (1) All other Members of the Council
- (2) Representatives of the Press
- (3) Requesting Town and Parish Councils

If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting

Public Access Statement

- There is an opportunity for members of the public to ask questions at this meeting. Please submit your questions to comsec@teignbridge.gov.uk by **12 Noon** two working days before the meeting.
- If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk
- Agendas and reports are normally published on the Council's website <http://www.teignbridge.gov.uk/agendas> 5 working days prior to the meeting. If you would like to receive an e-mail which contains a link to the website for all forthcoming meetings, please email comsec@teignbridge.gov.uk
- Reports in Parts I and III of this agenda are for public information. Any reports in Part II are exempt from publication due to the information included, under the provisions of the Local Government Act 1972.

A G E N D A

Part I

1. Apologies for absence
2. Election of Chairman and Vice Chairman
3. Minutes of the meeting held on 3 May 2018 (Pages 1 - 2)
4. Agreement of the Agenda between Parts I and II.
5. Matters of urgency/matters of report especially brought forward with the permission of the Chairman.
6. Declarations of Interest.
7. Request renew and extend a Hackney Carriage vehicle - Mercedes KV08 XOC (Pages 3 - 6)

Part II (Private)

Items which may be taken in the absence of the Public and Press on the grounds that Exempt information may be disclosed.

Nil.

REGULATORY & APPEALS COMMITTEE

THURSDAY, 3 MAY 2018

Present:

Councillors Dennis (Chairman), Prowse, Evans, Haines (Reserve) and Winsor (Reserve)

Apologies:

Councillors Hockin, Austen and Cook

Officers in Attendance:

Marie Downey, Solicitor

Hayley Carpenter, Licensing Officer

Gloria Lloyd, HR & OD Manager

Chris Braines, Waste & Cleansing Manager

Mark Devin, Democratic Services Officer (Exeter City Council)

Also in Attendance

Rachel Granville, SW Councils

434. MINUTES OF THE MEETING HELD 26 MARCH 2018

The Minutes of the meeting held on 26 March 2018 were confirmed as a correct record and signed by the Chairman.

435. MATTERS OF URGENCY/MATTERS OF REPORT ESPECIALLY BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIRMAN.

None.

436. DECLARATIONS OF INTEREST.

There were no declarations of interest.

437. REQUEST FOR PRIVATE HIRE VEHICLE LICENCE AND SMALL PLATE - JAGUAR XJ GJ12 VPE

The Committee adjourned to inspect the vehicle.

On reconvening, the Solicitor advised on the procedure for the meeting.

The Chairman referred to the report circulated with the agenda and consideration was given to grant an application for a Private Hire vehicle that was over 5 years old and if granted approval of a small plate.

The Solicitor advised that the vehicle GJ12 VPE Jaguar XJ was first registered on March 2012, making it 6 years and 1 month old, if granted and would not meet the Councils Policy of being under 5 years old. The reason for the request is because the vehicle is to be mainly used in connection with weddings and executive transfers.

The applicant attended the meeting and spoke in support of the application

Resolved

The Jaguar XJ, registration GJ12 VPE was granted a Hackney Carriage Vehicle Licence with approval of a small plate.

438. REQUEST FOR A SMALL PLATE FOR A PRIVATE HIRE VEHICLE - HYUNDAI I800, EG16 VK

The Solicitor advised on the procedure for the meeting. The vehicle had not been brought in for inspection.

The Chairman referred to the report circulated with the agenda and consideration was given to grant an application for a Private Hire vehicle that was over 5 years old and if granted approval of a small plate.

The Solicitor advised that the applicant had requested the replacement of the traditional size plate for the vehicle EG16 VK Hyundai I800. The vehicle would be used for weddings and Executive transfers

The applicant attended the meeting and spoke in support of the application

Resolved

The Hyundai I800, registration EG16 VK was granted a Hackney Carriage Vehicle Licence with approval of a small plate.

Chairman

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REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr Dennis

DATE: 24th May 2018
REPORT OF: Licensing Officer
SUBJECT: Hackney Carriage Vehicle Extension

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve whether to grant or refuse this request.

1. PURPOSE

The Committee is asked to consider a request to renew and extend a Hackney Carriage vehicle licence for a further 12 months.

2. BACKGROUND

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'.

All vehicle licences are issued annually.

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*

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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

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*'.

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.

Request –The vehicle, a Mercedes CDI, registration KV08 XOC which the applicant wishes the Committee to consider was first registered on 27th March 2008 will be 10 years and 2 months old, if granted. The current Hackney Carriage licence expires on 28th May 2018.

The vehicle passed an MOT and taxi inspection on 30th April 2018 and there were no advisories.

The vehicle has been inspected by a licensing officer and was in excellent condition inside and out. It was just noted that there are a few marks on the bonnet that have been touched in. The alloys are dull and marked.

It has been requested that the vehicle is made available at the hearing for inspection by the Committee should the members wish to do so.

3. CONSULTATION

The decision of the Committee following a complete review of the Hackney Carriage and Private Hire Policy in April 2009 after taking into account the views from the trade was as follows:

"The Committee decided that vehicles being presented for initial licensing must be under five years old."

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

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testing. The Committee did not consider it appropriate to introduce an upper age or mileage limit.”

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.’*

4. FINANCIAL IMPLICATIONS

The cost of defending the appeal if the application is refused and the applicant appeals to the Magistrates’ Court.

5. OPTIONS

- a. Grant the request, with or without the condition set out in c. below
- b. Refuse the request.
- c. If the Committee resolve to license the vehicle, Committee is asked to consider whether it is necessary to impose a condition requiring the vehicle to have six or four monthly vehicle inspections.

Hayley Carpenter
Licensing Officer
Environment, Health and Wellbeing

Wards affected	All
Contact for any more information	H Carpenter
Background Papers (For Part I reports only)	<i>Relevant legislation and Hackney Carriage and Private Hire Regulations</i> Hackney Carriage and Private Hire Licensing Policy
Key Decision	N
In Forward Plan	N
In O&S Work Programme	N
Community Impact Assessment attached:	N

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