

REGULATORY & APPEALS COMMITTEE

27 MARCH 2017

Present:

Councillors Dennis (Chairman), Austen, Cook and Hockin

Apologies:

Councillor Prowse

Also Present:

The Applicant and the Applicant's representative in relation to Minutes 428 and 429
Mrs Downey – Legal Adviser
Mrs Carpenter – Licensing Officer
Mrs Corns – Democratic Services Officer

426. MINUTES

The minutes of the meeting held on 27 February, 2017 were approved as a correct record of the meeting, and signed by the Chairman.

427. DECLARATIONS OF INTEREST

There were no declarations of interest.

At this juncture the Committee adjourned to inspect the vehicles the subject of Minutes 3 and 4 below. The Committee reconvened to consider the applications.

428. APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE AND SMALL LICENCE PLATE

Consideration was given to an application to grant a private hire vehicle licence and authorise the use of a small licence plate for a Maserati Supercar registration number SR11 JKE which is over five years old.

The Council's requirements on age of vehicles is set out in the Hackney Carriage and Private Hire Licensing Policy, at paragraph 5.2. The policy states that specialist vehicles are unlikely to comply with the foregoing age criteria for first registration or subsequent licensing and can be brought before the Committee be licenced providing that the vehicle meets the other standards and conditions of the Council's policy.

In relation to the plate on a licensed vehicle, section 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

The Council's requirement for the display of licence plates on the rear of licensed vehicles is set out in the Hackney Carriage and Private Hire Licensing Policy, paragraph 9.4.

REGULATORY & APPEALS (27.3.17)

The Applicant attended the meeting, referred to the nature of his work and explained the need for the use of a small plate to enable him to extend his existing wedding and charity business to include birthdays, proms and special occasions.

Resolved

(a) That the request for a private hire vehicle licence for vehicle registration number SR11 JKE be granted.

(b) That the request for the use of a small licence plate with vehicle registration SR11 JKE to be used for executive hire be approved.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representations by the Applicant and the Licensing Officer, The Committee is satisfied that the vehicle meets the strict vehicle testing standard, the recommended conditions and requirements which are set out in the Hackney Carriage and Private Hire Licensing Policy.

429. PRIVATE HIRE VEHICLE EXTENSION

Consideration was given to a request to renew and extend a Private Hire Vehicle Licence for a further twelve months for a Volkswagen Sharan, registration WJ07 WXY.

All vehicle licences are issued annually and Section 43 of the Town Police Clauses Act 1847 provides that a hackney carriage vehicle licence may only be in force for a maximum period of one year.

The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under ten years old. However the Council has discretion to continue to licence vehicles which are older than ten years provided that the Council is satisfied that such a vehicle is in a good condition and good state of repair, and provided that it passes the appropriate testing standard.

The Applicant's representative attended the meeting and emphasised the good condition of the vehicle and that it had passed all vehicle tests.

Resolved

Vehicle Volkswagen Sharan, registration WJ07 WXY is granted a Private Hire Vehicle Licence Extension for a period of 12 months, subject to the following conditions:

- The vehicle passing the usual six monthly Inspection Test;
- The vehicle having a current MOT.

REGULATORY & APPEALS (27.3.17)

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representations by the Applicant's representative and the Licensing Officer, the Committee is satisfied with the state of repair and condition of the vehicle, that it is fit for use, and that it has passed the appropriate testing.

430. AMENDMENT TO THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Committee considered introducing amendments relating to the standards and fitness of applicants for hackney carriage and private hire licensing as detailed in the report circulated with the agenda. The amendments related to the requirement for Applicants' to pass an assessment test. An interim procedure was put in place by Committee at its meeting in October 2016, following the notification from the Driving and Vehicle Standards Agency that it would cease to offer the taxi driver assessment.

Licensing Authorities across Devon have worked closely to find a suitable alternative to the DVSA taxi test and as such the policy has been amended to reflect the change in test provider. Devon Authorities are currently using various providers. The Devon Travel Academy is based locally at Westpoint, Exeter it is proposed that drivers applying for licences in Teignbridge will be directed there. The Devon Travel Academy will be changing its name in the near future to Red One. The Council would not be committing to one training provider should it be deemed necessary to change.

It was noted that the cost of the assessment with the Devon Travel Academy was only slightly more than the fee that had been charged by the DVSA.

Resolved

That the Regulatory & Appeals Committee is asked to accept the amendment to the Hackney Carriage and Private Hire Licensing Policy with regard to the requirement for applicants of hackney carriage and private hire drivers' licences to pass an assessment test, as set out in the report circulated with the agenda.

CLLR CHARLIE DENNIS
Chairman