

# Agenda for Licensing & Enforcement Sub Committee

Wednesday, 16 December 2015; 9.30am

[Members of the Committee](#)

Members of the Sub Committee will be Councillors:

Jim Knight, Pat Graham & Cherry Nicholas

**Venue:** Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

**Contact:** [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 9 December 2015



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- 1 Minutes for 14 October 2015 (pages 2-7)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#) – none identified
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

## Part A Matters for Decision

- 6 **Hackney Carriage Vehicle Suitability** (pages 8-23)
- 7 **Hackney Carriage Vehicle Suitability** (pages 24-34)
- 8 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties Have agreed a hearing is unnecessary** (pages 35-36)

**Due to the requirements of the Licensing Act 2003 only parties to the hearing are permitted to address the sub-committee (through their representative as appropriate)**

[Recording the meeting](#)

[Decision making and equalities](#)

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**Attendance list at the end of the document**

**Please note that there was no recording of this meeting as it was held in the Committee Room where no recording facilities are available.**

**The meeting started at 9.30 am and ended at 11.00 am**

- \*21 Minutes  
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 23 September 2015, were confirmed and signed as a true record.
- \*22 Declarations of interest  
Councillor John O'Leary  
Minute 8, 9 and 10  
Disclosable Pecuniary Interest – personal licence holder
- \*23 Application for the grant of a premises licence to allow the sale of alcohol on and off the premises at The Place, 15 The Strand, Exmouth

The Sub Committee gave consideration to an application for the grant of a Premises Licence to allow the sale of alcohol on and off the premises at The Place, 15 The Strand, Exmouth.

The Sub Committee carefully considered the application for the licensable activities and the proposed hours of operation with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act 2003. Government Guidance, the Council's own licensing policy and the Human Rights Act 1998 were also taken into account in making the decision.

The Sub Committee carefully considered the relevant representations that all parties had made and the written representations and other documentation put before the Sub Committee. They considered the particular locality of the premises in the town of Exmouth and its physical relationship with other residential and commercial properties in the vicinity.

The Sub Committee considered it relevant that no representations had been received from the police in relation to the Licensing Act objectives that had been the subject of representations, following mediation, which were, public safety, public nuisance, protection of children from harm. From this the Sub Committee concluded that the police did not consider that there were currently any significant problems associated with the current operation of the premises, or that there were likely to be if the application was granted.

At the hearing the applicant was represented by Ms Tammy Dyer who stated that she was speaking on behalf of the applicant Mr Takvoryan, as his landlord. She

was a co-director of a family business which included a property portfolio, and a number of licensed premises.

She noted that there were issues with the licensing of the outside area with the applicant's ability to control the small area, however CCTV was available to the applicant to ensure that this area was well managed. This was a small premises that provided food and the application was to allow the sale of alcohol on the premises.

Mr Takvoryan has lived in the town for 5 years and has acquired a good knowledge of the town of Exmouth. He stated that he ran large nightclubs in Bulgaria, but now that he was living in England he wishes to run a small premises, supported by his daughter, that sold food and alcohol.

At the time of the application there is no qualified Designated Premises Supervisor.

Mr Takvoryan is about to take his personal licence qualification on 15/10/15 and his daughter was also taking the qualification in November. If Mr Takvoryan failed to obtain his personal licence so he could qualify as DPS, then his daughter would also be considered to assume the role of DPS.

He was confident that the premises would be well run and that he would adhere to the conditions placed on the licence. He was awaiting a pavement licence from Devon County Council but this was not required for the premises licence to be granted following the hearing. He wished to place more chairs and tables in the outside area.

The interested parties' case on paper was from Exmouth Town Council represented by Cllr Bill Nash, that firstly in relation to the prevention of crime and disorder, outside seating area was too small within the pavement area, close to the war memorial. Late night drinking could not be controlled in such a small area.

Regarding public safety, the proposed DPS had no experience of local clients who abuse alcohol. There were also issues with English not being his first language and that licensing to midnight was too late.

Regarding the prevention of public nuisance, the cafe was too small to be turned into a public house with the sole purpose of alcohol sales from 8.00 pm. Overcrowding inside and outside in the confined area may become a public nuisance.

Regarding the protection of children from harm, the small area inside the premises may be a harmful environment for children. In addition the DPS would be unable to control outside drinkers. There were also possible issues of underage drinking.

At the hearing they added that the outside seating area was too small and that there were concerns that the clientel would spill out into the highway.

In such a small premises if and when it was full it would be difficult to exercise the appropriate control from a safety perspective.

There could also be issues of public nuisance and the potential for a small café to be turned into a pub with noise issues for residents in the flats above and in the vicinity of The Strand.

Cllr Nash referred to issues with a premise in the vicinity and issues of early morning consumption of alcohol. There are also concerns as to access in the highway if there is an increase in the number of tables and chairs outside.

Exmouth Town Council wanted to support small business and it was hoped that Mr Takvoryan would be a success but there was a request for a compromise of an initial trial period of 3 months so that the opening hours were restricted from 12.00 (midday) to 10.00 pm.

Ms Dyer responded that this was impractical for the business. The applicant wanted the premises to be open in line with other similar businesses in The Strand.

The Sub Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application. In relation to the evidence heard regarding the history of the premises, it was considered that the establishment would be well managed and controlled.

The Sub Committee considered that CCTV has an important role in preventing crime and disorder, identifying offenders and in managing public behaviour on and in leaving the premises.

The Sub Committee was also pleased with the condition that excluded persons under the age of 18 after 9.00 am from the premises. This was seen as a positive approach from preventing harm to children.

At the present time there was no real evidence that the operation the applicant now proposed to run would cause the unacceptable impact the Town Council suggested and in taking this view the Sub Committee considered the letter from the Police Licensing Officer set out within the papers.

All parties were reminded of the closure and review powers which the Government brought into force when the new licences were operational from 24 November 2005. Premises which did not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

Whilst acknowledging the concerns expressed by the interested parties, the Sub Committee believed the concerns expressed in representations had been addressed by the hours of operation for the licensable activities and the conditions imposed which had been tailored to the size, characteristics and activities on the premises, and which the Sub Committee believed were necessary and proportionate.

RESOLVED 1.

that a grant of a +Premises Licence be made as follows:

- a) The extent of the areas within which the various activities will be permitted is as indicated by the legends on the applicants plan.
- b) Permitted hours for the various licensable activities will as set out in Appendix A.
- c) The conditions will now be as shown in Appendix E.
- d) Amended Condition 15 to read "Challenge 25 policy"
- e) In conditions 1, 2, 6 & 7 "us" refers to the Licensing Authority.
- f) The mandatory conditions of section 19 of the Licensing Act will be imposed

2. the designated Premises Supervisor will be: To Be Confirmed. The premises cannot operate until the Licensing Authority has been notified who has been nominated.

\*24 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary  
The Sub Committee gave consideration to an application for the grant of a premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Chairman and Vice Chairman considered equality impacts when making their decision.

The Licensing Officer explained the background of the application and the negotiations that had been carried out.

**RESOLVED**

that the application be granted as below, subject to the agreed position set out in the schedule and any relevant statutory conditions and the applicants having complied with the relevant statutory requirements.

**Schedule:**

**Type of application:**

Application for the grant of a premises licence

**Name of premises and address:**

Hawkchurch Resort & Spa, Wareham Road, Hawkchurch, Axminster, EX13 5UL.

**Agreed position reached by the parties:**

Following mediation the applicant and the Devon and Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.

The application be approved as submitted subject to the following amendments and conditions:

1. Submit extra plans to clarify the licensed area in the bar and reception area.

2. Reduce the proposed hours for live music on New Year's Eve to end at 00:30 hrs.
3. Reduce the proposed opening hours on Fridays, Saturdays and New Years Eve to end at 00:30hrs.
4. Staff training will be conducted to ensure all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol. Records of such training will be kept and provided to the Licensing Authority or Police upon request.
5. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police.
6. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council.
7. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
8. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.
9. An incident book must be maintained within which full details of all occurrences of disorder, challenges and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection by officers of both the Licensing Authority and the police.
10. A challenge 25 policy will be operated where the only acceptable forms of ID will be photo driving licence, passport, government approved PASS card or military ID with photo and date of birth.

**Attendance list**

**Councillors present:**

Steve Hall (Chairman)  
Dean Barrow  
John O'Leary

**Apologies (non Sub Committee members):**

Councillor Maddy Chapman

**Officers present:**

Giles Salter, Solicitor  
Neil McDonald, Licensing

Chris Lane, Democratic Services

Chairman ..... Date .....

**Report to:** **Licensing and Enforcement Sub Committee**

**Date of Meeting:** 16 December 2015

**Public Document:** Yes

**Exemption:** None

**Review date for release** None



**Agenda item:** 6

**Subject:** **Determination of an application to licence a Hackney Carriage vehicle which does not comply with the Council's vehicle age policy**

**Purpose of report:** It is the district council's policy that on initial licensing as a hackney carriage vehicle, a vehicle shall not be more than four years old from the date of first registration as shown on the registration document and shall not normally be licensed in the case of ordinary cars beyond eight years old, and purpose built hackney carriages (as so described in the registration document of the vehicle) beyond ten years of age. Those vehicles continuing to be licensed of a greater age shall be licensed subject to a satisfactory test certificate being obtained every six months.

**Recommendation:** That the Sub Committee considers the application to licence a Mercedes Viano registration number HL04 ZGF that was first registered outside the European Union on 16 July 2004 as a hackney carriage vehicle and determine whether to refuse the application or make an exception to the District Council's vehicle age policy and agree to licence the vehicle. Being eleven years and five months old the vehicle falls outside of the criteria as agreed by Council as it is over four years old from date of registration.

**Reason for recommendation:** To ensure that vehicles licensed with this authority meet a high standard of passenger safety and comfort and are fit to carry out the work that is required as a hackney carriage vehicle.

**Officer:** Douglas Jackson, Licensing Officer, Ext. 2611  
Direct Dial: 01395 517411, Email: [Djackson@eastdevon.gov.uk](mailto:Djackson@eastdevon.gov.uk).

**Financial implications:** There are no financial implications in this report. If the applicant appeals against the decision made there may be a possibility of court costs.

**Legal implications:** The legal implications are contained within the report.

**Equalities impact:** Low Impact

**Risk:** Low Risk



- Links to background information:**
- Appendix A - Hackney carriage application to licence vehicle HL04 ZGF
  - Appendix B - Hackney Carriage Inspection Report for vehicle HL04 ZGF (Carried out by a Taunton Garage)
  - Appendix C - MOT Test Certificate for Mercedes Viano **no registration mark given on certificate**
  - Appendix D - Tradex Insurance cover note for HL04 ZGF 19 October 2015 for 30 days
  - Appendix E - Log book for HL04 ZGF showing date of first registration as 16 July 2004 and **date of first registration in UK as 1 October 2015**
  - Appendix F - Automobile Association web advice on grey imports

Background Papers

Minutes of Tourism and Transportation Committee, March 1994

**Link to Council Plan:** Living in, working in and enjoying this outstanding place

## Main Body of the Report

- 1.1 The licensing of hackney carriages and private hire vehicles is the responsibility of the council and is governed mainly by legislation under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 **Section 47 Local Government (Miscellaneous Provisions) Act 1976 states that:**
- (a) 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, and
  - (b) Without prejudice to the generality of the foregoing subsection a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear any distinguishing marks as shall clearly identify it as a hackney carriage.
- 1.3 **Section 60 Local Government (Miscellaneous Provisions) Act 1976 states**
- Notwithstanding anything in the Act of 1847 or in this part of the Act a district council may suspend or revoke or (on application therefore under section 40 of the act of 1847 or section 48 of this act, as the case may be) refuse to renew a vehicle licence on any of the following grounds.
- (a) That the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle
  - (b) any offence under or non compliance with the provisions of the act of 1847 or of this part of the act by the operator or driver, or
  - (c) any other reasonable cause.
- 1.4 In March 1994 the Council's Tourism and Transportation Committee agreed to consolidate the terms and conditions of hackney carriage and private hire licensing requirements into a policy booklet which should be made available to existing and potential hackney carriage drivers and owners. The policy states that on initial licensing as a hackney vehicle a vehicle shall not be more than **four years** old from the date of first registration as shown in the registration document.
- 1.5 On 13 November 2015 a Mr John Lawrence made an application to the District Council to licence a Mercedes Viano van registration number HL04 ZGF. The vehicle is

described in the registration document as a Mercedes Estate registered number HL04 ZGF, 3190 cc, petrol driven and silver in colour. The date of first registration is given as **16.07.2004** and the date of registration in the UK is stated as **01.10.2015**. The number of seats including the driver is given as seven. The engine number is given as not known. As the vehicle was first registered on **16 July 2004**, all be it in Japan, it is now **11 years and 5 months old**.

- 1.6 In support of this application the following documentation has been produced:
- Appendix A - Hackney carriage application to licence vehicle HL04 ZGF
  - Appendix B - Hackney Carriage Inspection Report for vehicle HL04 ZGF
  - Appendix C - MOT Test Certificate for Mercedes Viano - **no registration mark given on certificate**
  - Appendix D - Tradex Insurance cover note for HL04 ZGF19 October 2015 for 30 days
  - Appendix E - Log book for HL04 ZGF showing date of first registration as 16 July 2004 and **date of first registration in UK as 1 October 2015**
- 1.7 Mr Lawrence has also made application for a hackney carriage driver's licence in order to drive this vehicle if he is successful with his application today. The driving licence application is on hold pending the outcome of the vehicle application.
- 1.8 The vehicle subject of this application was shown to East Devon licensing staff prior to the application being received. Although the vehicle's log book shows its date of first registration as 16.07.2004 it was actually first registered in the United Kingdom on the 01.10.2015. In effect this is a 'grey' import into the UK. Further information on the implication of 'grey' imports and the lack of vehicle history are set out later in this report and in **Appendix F**.
- 1.9 When Mr Lawrence was asked about the history of the vehicle he explained that he had owned it for one month and it was an import from Japan (generally called a grey import). He stated that he will make efforts to find old service records etc to prove its mileage/service history. He was also asked to produce anything documentation wise to show the vehicle was in exceptional condition as none of this type of information was shown in the log book or any other documentation produced so far. This is the difficulty with this type of imported vehicle, there appears to be no type of documentation to prove what has happened to the vehicle in the past, only a log book with a limited history of the vehicle. Even if documentation is received it may prove very difficult or even impossible to prove the authenticity as it would mean checking with former owners and garages in Japan.
- 1.10 With vehicles which have spent the whole of their lives in the UK there is good chance that at least part of their history can be confirmed through the DVLA. Also it will be recorded on the registration document if they have been in a serious road traffic accident and the vehicle has been written off and rebuilt at some stage. None of that type of information is available with 'grey' imports.
- 1.11 There is a lot of information on the internet in relation to grey or parallel imports. A useful source of information can be found on the [Automobile Association](#) web site in relation to imports from both EU countries and non EU countries. This is not the only advice available on the web. A copy of the AA website page is reproduced as **Appendix F** to this report. It is reproduced in full in order to give a balanced view of the situation, so there may be some areas which are not applicable to this application. Your attention is especially drawn to the section headed 'Possible issues with grey imports'.

- 1.12 The vehicle's configuration is: driver's seat and one passenger seat in the front. In the rear compartment there are three rear facing seats and two forward facing seats and if licensed the vehicle would be suitable for six fare paying passengers.
- 1.13 The recorded mileage on the MOT Test Certificate dated 5 October 2015 is given as 26326 miles. At the time of preparing this report it has been impossible to confirm the accuracy of this mileage. When considering the age of the vehicle and its history the mileage is unlikely to be correct.
- 1.14 The vehicle will be produced by the applicant at the Council Offices on the day of the hearing to enable Members the opportunity to inspect it.
- 1.15 Mr Lawrence has also been asked to provide an AA 'Comprehensive' test report or a RAC 'Essential Plus' report to indicate the condition of the vehicle. It has been requested that he furnish this to the council's licensing office in sufficient time before the hearing to enable officers to seek any necessary technical information before making recommendations to members at the hearing.
- 1.16 If Mr Lawrence is successful with the application today he will have the roof sign fitted and a meter put into the vehicle. He did not wish to waste money if he was unsuccessful with his application.
- 1.17 If Mr. Lawrence receives any more information/reports about the vehicle he will forward it to the Licensing Office or produce it on the day of the committee.
- 1.18 Should this application be refused the applicant has the right to appeal the decision to a Crown Court within 21 days.

## **2 Back Ground Information**

- 2.1 As explained at paragraph 1.4, in March 1994 the Council's Tourism and Transportation Committee agreed a policy that on initial licensing as a hackney carriage vehicle a vehicle shall not be more than **four years** old from the date of first registration as shown in the registration document. This is a policy agreed by members following, as in all cases of policy, consultation with the trade. Policy is more than advice and should not be disregarded unless exceptional circumstances apply. In this case this does not just merely mean that the vehicle should be in exceptional condition. Members may need additional exceptional circumstances. It is for the applicant to provide this information. If members are unable to find grounds to make an exception the application should be refused.
- 2.2 When departing from policy Members should state clearly in their decision the grounds for making the exception.
- 2.3 Mr Lawrence is currently the holder of two licences with this authority, a private hire driver and operator's licence. He has recently surrendered his private hire vehicle licence which when originally licensed was for a vehicle over the four year limit. The circumstances are that on 18 March 2014 a Licensing and Enforcement subcommittee agreed to licence his Nissan van WO02 VAU which was 11 years and nine months old. It was licensed as a **private hire vehicle**.

## **3 Recommendation**

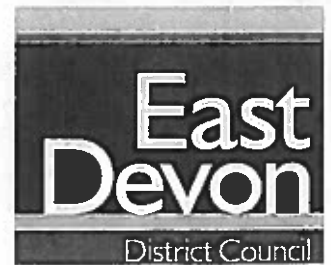
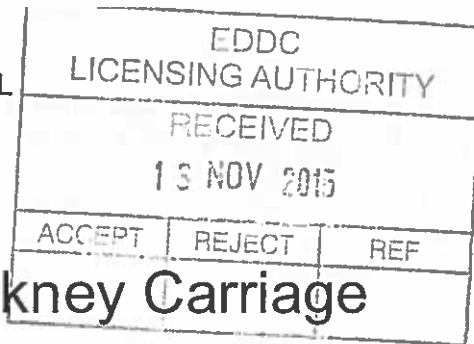
- 3.1 The information that has been provided to the council on this vehicle is to date very limited. In view of its old age and its unknown history, especially that it is a grey import,

imported from Japan it is the Licensing Manager's recommendation that the Sub Committee should not make an exception to the council's policy of not licensing as a hackney carriage a vehicle which on initial licensing is more than **four years** old from the date of first registration as shown in the registration document.

- 3.2 If members are minded to grant this application and if Mr Lawrence has not already furnish the council with either an AA 'Comprehensive' test report or a RAC 'Essential Plus' report on the vehicle then it is recommended that the application be adjourned to enable Mr Lawrence to provide one of these reports to a satisfactory level.
- 3.3 Currently the council's policy requires all taxis over 8 years old to undertake a full vehicle test every six months instead of the usual annual test. If members are minded to grant this application it is recommended in view of the circumstances surrounding the vehicle that the vehicle be inspected and a condition report completed at the licence holder's expense every four months by a garage within the district nominated by the council's licensing service.

East Devon District Council  
Knowle, Sidmouth, Devon, EX10 8HL

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DX 48705 Sidmouth



# Application for Hackney Carriage Vehicle Licence

APPENDIX A

**Proprietor's Name and Address**  
 JOHN LAWRENCE  
 Kingfisher House  
 WEYCROFT  
 Post Code: EX13 7LN  
 Telephone No: 01297 33379

**Company/Operator's Name and Address**  
 At Your Service  
 Kingfisher House  
 Post Code: WEYCROFT  
 Ex13 7LN  
 Telephone No: 01297 33379

**Vehicle - Please complete one form per vehicle**

Make/Model Colour	Registration No.	Passenger Seating Capacity	c.c. Petrol/ Diesel	Date of First Registration	Hackney Vehicle Licence No.
MERCEDES VIANO	HLO4 ZGF	WHEELCHAIR ACCESS YES/NO*	3.200	2004	

1. A hackney carriage licensed with this authority must operate in East Devon and principally work from or within the area that it is licensed. Where will the vehicle be used? Please answer in the box below.

AXMINSTER AREA. (EDDC)


2. Please enter the address where this vehicle will be kept when not in service.

KINGFISHER HOUSE  
 WEYCROFT  
 EX13 7LN

3. Has the vehicle to your knowledge been declared a 'write off' or 'potential write off' by the police or an insurance company and forms to that effect sent to DVLC?  YES  NO\*

4. Are the details as shown on the vehicle registration document correct and to your knowledge relate to the vehicle which you now apply to licence?  YES  NO\*

Declaration of applicant - I declare that the information provided in this form is true, complete and correct and that I have no objection to the same being verified, and I understand that I may be liable to legal proceedings being taken against me or the revocation of any Hackney Carriage or Private Hire Vehicle Licence which may be issued to me (or both) if my disclosures are found to be inaccurate or untrue. I enclose the insurance certificate, MOT certificate (where appropriate), Vehicle Test Form and Registration Document of the vehicle.

<b>Signed:</b>	<b>Date:</b>
	12-11-15

Please note – if any of the information provided in this form changes during the licence term, you **MUST** notify the licensing service as soon as possible, either by emailing [licensing@eastdevon.gov.uk](mailto:licensing@eastdevon.gov.uk) or writing to the Licensing Service, East Devon District Council, Knowle, SIDMOUTH, EX10 8HL.

The District Council is required under Section 6 of the Audit Commission Act 1998 to participate in the National Fraud initiative (NFI) data matching exercise. This means that taxi and private hire licence data will be provided to the Audit Commission for NFI purposes and will be used for cross-system and cross authority comparison purposes for the prevention and detection of fraud. For more information on our fair processing of your information please refer to this link on our website: <http://eastdevon.gov.uk/help/fair-processing-statement/>.

The information you provide will be secured and processed in accordance with the Council's notification under the Data Protection Act 1998

OFFICIAL USE ONLY				
Log Book	Insurance	MOT/Council Test	Receipt No./Fee	Date
SEEN YES/NO	COMPANY No. Issued Expired	No. Issued Expired Garage	Fee £262 104 15 <hr/> 381	262 104 15 <hr/> 381

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 Fax: 01395 517507  
 www.eastdevon.gov.uk

# VEHICLE INSPECTION REPORT HACKNEY CARRIAGES

## APPENDIX B



District Council

Make <b>MERCEDES</b>			Model <b>VIANO</b>			Reg.No. <b>HL04 26F</b>			Plate No. <b>GLW Application</b>		
Rec. Mileage <b>29184</b>			Date <b>10-11-15</b>			Petrol/ <del>Gas</del>			cc <b>3200cc</b> (Must be over 1300cc)		
Testable item	Pass	Fail	Testable item	Pass	Fail	Testable item	Pass	Fail			
Rear view mirrors	✓		O/S/R tyre wall/size/valve fit	✓	43	O/S/F wheel condition	✓	85			
Driver's seat and back rest	✓	2	O/S/R wheel security/condition	✓	44	O/S/F wheel bearing condition	✓	86			
Note recorded miles of speedo			O/S fuel cap	✓	45	O/S/F drive shaft/CV joint	✓	87			
Front passenger seat/back rest	✓	3	O/S/R shock absorber	✓	46	O/S/F suspension cond/security	✓	88			
Both doors/internal security	✓	4	Rear tail gate/boot/door security	✓	47	N/S/F tyre wall/fit/tread	✓	89			
Steering wheel/mechanism/condition	✓	5	Rear floor/belt mtgs/shock abs.mtgs	✓	48	N/S/F wheel condition	✓	90			
Power Steering (if fitted) ◆	✓	6	Tail lights condition/operation	✓	49	N/S/F wheel bearing condition	✓	91			
Servo operation (if fitted) ◆	✓	7	Stop/fog lights condition/operation	✓	50	N/S/F drive shaft/CV joint	✓	92			
Footbrake operation/condition	✓	8	Indicators condition/operation rate	✓	51	N/S/F suspension cond/security	✓	93			
ABS system warning light (if fitted)	✓	9	Hazard warning operation/rate	✓	52	Lock to lock checks (tum plates)	✓	94			
Handbrake operation/condition	✓	10	Number plate lights and reflectors	✓	53	Suspension check-Shake O/S wheel	✓	95			
Light switches/warning lights	✓	11	Number plate condition/spacing	✓	54	Suspension check-Shake N/S wheel	✓	96			
Screen wipers/washers operation	✓	12	Hackney plate-exterior	✗	55	O/S/R tyre wall/fit/tread	✓	97			
Windscreen condition/vision	✓	13	Exterior advertising	✗	56	O/S/R wheel condition	✓	98			
Horn control/operation	✓	14	N/S/R s/absorber & body damage	✓	57	O/S/R wheel bearing condition	✓	99			
Belt Requirements front/3 rear	✗	15	N/S fuel cap	✓	58	O/S/R drive shaft/CV joint	✓	100			
Belt condition/operation/anchorage	✓	16	N/S/R tyre wall/size/valve fit	✓	59	O/S/R suspension cond/security	✓	101			
Interior Light	✓	17	N/S/R wheel security/condition	✓	60	N/S/R tyre wall/fit/tread	✓	102			
Door catches/door/window	✗	18	N/S/R door security/rear back rest	✓	61	N/S/R wheel condition	✓	103			
Fire extinguisher	✗	19	N/S/R out-in sills/floor/belt mountngs	✓	62	N/S/R wheel bearing condition	✓	104			
Excise licence - current	✗	20	N/S/F door security/ext.mirror	✓	63	N/S/R drive shaft/CV joint	✓	105			
Foot pedal rubbers	✓	21	N/S/F out-in sills/floor/belt mountngs	✓	64	N/S/R suspension cond/security	✓	106			
First Aid Kit	✗	22	N/S repeater lamp condition (if fitted)	✓	65	O/S/F brake components cond/leak ◆	✗	107			
Vehicle interior including boot	✗	23	N/S/F tyre wall/size/valve fit	✓	66	Front chassis members/suspension	✓	108			
Hackney No. Interior badge	✗	24	Ball joint/wheel security/condition	✓	67	N/S/F brake components cond/leak ◆	✗	109			
Meter operation	✗	25	N/S wiper blade cond/screen cond	✓	68	Mid chassis members/suspension	✓	110			
Tariff card	✗	26	N/S/F shock absorber	✓	69	O/S structure/pipes/cables/hoses ◆	✗	111			
Vehicle exterior .inc.cleanliness	✗	27	Under bonnet brake system/mtgs	✓	70	O/S/R brake components con/leak ◆	✗	112			
Roof Sign -	✗	28	Pipes/hoses/mast cylinder/servo ◆	✓	71	R/chassis members/susp/tank/carrier	✓	113			
Number plate condition/spacing	✓	29	Handbrake mechanism	✓	72	N/S/R brake components cond/leak ◆	✗	114			
Side-lamp type/condition/operation	✓	30	Suspension mounts/cond/corrosion	✓	73	N/S structure/pipes/cables/hoses ◆	✗	115			
Indicators condition/operation/rate	✓	31	Battery security/VIN No.			Exhaust cond/leaks/prop shaft	✓	116			
Hazard warning operation/rate	✓	32	Fuel system leakage ◆	✓	74	H/brake mechanism/linkage/cables	✓	117			
Headlamp condition/aim (use equip)	✓	33	Exhaust system leaks ◆	✓	75	O/S/F footbrake perform. check	✓	118			
O/S/F s/absorber & body damage	✓	34	Servo vacuum hose (if fitted) ◆	✓	76	N/S/F footbrake perform. check	✓	119			
O/S/F tyre wall/size/valve fit	✓	35	PAS pump drive pipes(if fitted) ◆	✓	77	Both front brake balance check	✓	120			
Ball joint/wheel security/condition	✓	36	Diesel pump-pipes-cambelt-oil level	✓	78	Handbrake O/S perform. check	✓	121			
O/S wiper blade cond/screen cond	✓	37	Steering components (rock str wheel)	✓	79	Handbrake N/S perform. check	✓	122			
O/S repeater lamp condition (if fitted)	✓	38	Repeat & check from under vehicle	✓	80	O/S/R footbrake perform. check	✓	123			
O/S/F door security/ext. mirror	✓	39	Str box rack condition/wear/mtgs	✓	81	N/S/R footbrake perform. check	✓	124			
O/S/F out-in sills/floor/belt mountngs	✓	40	Ball joints condition/wear/play	✓	82	Both rear brakes comparison check	✓	125			
O/S/R door security/rear back rest	✓	41	Track rods-steer arm cond/security	✓	83	Exhaust emission (last or first) ◆	✓	126			
O/S/R out-in sills/floor/belt mountngs	✓	42	O/S/F tyre wall/fit/tread	✓	84						

◆ ENGINE RUNNING	■ FOOTBRAKE APPLIED	● JACKING BEAM IN USE	READINGS OBTAINED						
✗ BEFORE COMPLETION PLEASE READ NOTES OVERLEAF			CO%	FRONT	NEAR SIDE	358 L	OFF SIDE	378 L	
			HC	TEST 1	REAR	NEAR SIDE	330 L	OFF SIDE	340 L
			CO%	TEST 2	PARK	NEAR SIDE	280 L	OFF SIDE	294 L
			HC						

THE EXAMINER SHOULD NOTE THAT THE VEHICLE MUST PASS TO M.O.T. STANDARD IN ADDITION TO THE OTHER ITEMS LISTED ON THIS INSPECTION REPORT

# NOTES FOR GUIDANCE

- |  |  |
|--|--|
| <p>15 Saloon and hatchbacks must be fitted with 3 rear seatbelts. People carriers etc must have a belt for every seat.</p> <p>18 The vehicle should have 4 doors and boot or rear tailgate. All doors and windows should work correctly.</p> <p>19 The fire extinguisher should be readily available for use in emergency and of a suitable type.</p> <p>22 The First Aid Kit should contain suitable items for use by passengers.</p> <p>23 The body interior including the boot should be in a clean condition with the seats and floor properly covered and maintained fit for public service.</p> <p>24 The Hackney plate number must be displayed inside the vehicle (Green label).</p> | <p>25 A meter must be fitted and display the correct tariff 1, 2 and 3. A copy of the current tariffs is attached. It should be checked over a measured distance and time.</p> <p>26 A tariff sheet must be displayed and clearly visible to passengers.</p> <p>27 The body exterior should be free from damage and in a clean condition.</p> <p>28 A roof sign must be displayed.</p> <p>55 The Hackney plate must be fixed to the <b>outside</b> rear of the vehicle on, above or below the bumper and must not be defaced or illegible.</p> <p>56 Advertising is allowed on the front doors only. Maximum size must not exceed 70cm x 35cm.</p> |
|--|--|

**NB As from 1 July 2007 'No Smoking' signs should be displayed to comply with The Health Act (2006).**

**Vehicle Examiner must complete details of meter fitted in vehicle**

Make	Model	Serial No
------	-------	-----------

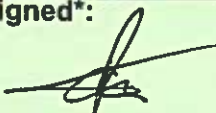
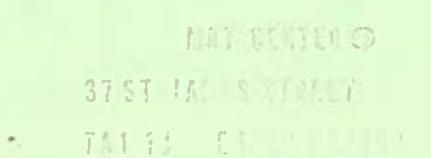
<b>MOT EXPIRY DATE</b> (Note: all Hackney Carriages over 12 months old must have a current MOT)	Certificate No.	Date of Issue
--	-----------------	---------------

**FOR OTHER ADVICE PLEASE TELEPHONE EAST DEVON DISTRICT COUNCIL LICENSING OFFICE  
ON 01395 517411 OR 517410**

## CERTIFICATE

I **HEREBY CERTIFY** that I am an authorised Department of Transport Tester/Inspector and I have carried out the various examinations of the vehicle schedule overleaf and found the vehicle to be safe, comfortable and in sound mechanical condition.

I have also checked the fare meter over the prescribed distances as shown in the table of fares.

<b>Signed*:</b>  <small>*Authorised to sign Department of Transport Test Certificates</small>	<b>Date:</b> 10-11-2015
<b>Name in BLOCK CAPITALS</b> ROBERT GÖNNER	<b>Vehicle Testing Station No:</b> V100579
<b>Name of Garage</b> MOT CENTRE 37 ST JAMES STREET TAUNTON TA1 1JR  Telephone No: 01823 282090	<b>AUTHENTICATION STAMP</b> <div style="text-align: center; opacity: 0.5;">  </div>



MOT Test Number

205199139674

Vehicle Registration Mark

NOT REQUIRED

Vehicle Identification Number

WDF63981323031269

Make

MERCEDES

Model

VIANO

Colour

Silver

Issuer's Name

R. M. EVANS

Test Class

4

Country of Registration

Not Known

Expiry Date

4 October 2016 (SIXTEEN)

Issued

5 Oct 2015

Test Station

V107793

Odometer Reading and History

5 10 2015: 26326 mi

Inspection Authority

BMS CARS LIMITED  
UNIT 2 PURCHASE FARM  
EASTON LANE  
SIDLESHAM  
PO20 7NU

01243 201011

Additional Information

To preserve the anniversary of the expiry date,  
the earliest you can present your vehicle for  
test is 5 September 2016.

Signature of Issuer



Advisory Information

**About this document**

- 1 This document is a receipt style certificate telling you that an MOT Test pass result has been recorded in the Driver & Vehicle Standards Agency's (DVSA's) database of MOT Test results; this can be verified at [www.gov.uk/check-mot-status](http://www.gov.uk/check-mot-status).
  - 2 A test certificate relates only to the condition of the components examined at the time of test. It does not confirm the vehicle will remain roadworthy throughout the validity period of the certificate.
  - 3 Check carefully that the details are correct.
  - 4 Whilst advisory items listed above do not constitute MOT failure items, they are drawn to your attention for advice.
  - 5 For further information about this document, please visit [www.gov.uk/getting-an-mot](http://www.gov.uk/getting-an-mot) or contact DVSA on 0300 123 9000\*.
- \*Your call may be monitored or recorded for lawful purposes.

**NAME OF POLICYHOLDER**

JOHN LAWRENCE

**ADDRESS** KINGFISHER HOUSE

CHARD ROAD

WEYCROFT

AXMINSTER

**POSTCODE** EX13 7LN

**COVER NOTE NO.**

9014936

ORIGINAL WHITE

DUPLICATE-GREEN

BROKER- YELLOW

FILE-PINK

**SPECIFIED MOTOR COVER NOTE**

**Agency/Policy No.**

LWSTMTX/0231677

**Reason for issue:**

NB + RNL / (ADJ) / CON-

NOT VALID UNLESS POLICY/AGENCY NUMBER AND REASON FOR ISSUE ARE SHOWN

Having proposed for insurance the risk is held covered under the terms of the Company's usual form of policy applicable, subject to any special conditions indicated below, for the period and time stated unless the cover is terminated by written notice sent to the policyholder's last known address. In this case the insurance shall cease and a proportionate part of the annual premium will be charged for the period the insurance has been in force

**OPERATIVE FROM**

**HOURS (24 hr clock)**

13 : 45

**DAY**

19

**MONTH**

OCTOBER

**YEAR**

20 15

to the same time on the 30th day thereafter

**VEHICLE DETAILS**

REG NO.	MAKE	MODEL	YEAR	CC or GVW	SEATS	VALUE
<u>1 HLO4 ZAF</u>	<u>MERCEDES</u>	<u>VIANO</u>	<u>2004</u>		<u>7</u>	<u>£11,000</u>
<u>2</u>						
<u>3</u>						
<u>4</u>						

**PERSONS ENTITLED TO DRIVE AND USAGE** ✓

Name	A	B	C	D	E
<u>JOHN LAWRENCE</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>

**COVER**

- Third Party
- Third Party Fire & Theft
- Comprehensive

**EXCESS**

£ 500

**SPECIAL TERMS/EXTENSIONS/OTHER USE**

Car

**KEY TO USAGE**

- A - Carriage of passengers for Private Hire use
- B - Carriage of passengers for Public Hire use
- C - Carriage of goods for Hire and Reward
- D - Business Use of the Policyholder
- E - Social, Domestic & Pleasure use

✓ = Covered

**EXCLUDING USE**

- Use for the motor trade, racing, pacemaking, competitions, rallies, track days, or speed tests whether on a road track, off-road, land prepared for such use or the Nurburgring Nordschleife and whether the event is officially organised or informally arranged.
- Use to secure the release of any motor vehicle which has been seized by or on behalf of any government or public authority which was not the property of or in the custody or control of the Policyholder at the time of the seizure.

**ISSUED BY AGENT:**

*[Signature]*

**ISSUED BY AGENT No:**

23370/TORWAY

**DATE OF ISSUE**

19/10/15

**TIME OF ISSUE (24 hr clock)**

13 : 45

CERTIFICATE OF MOTOR INSURANCE  
I hereby certify that this Cover Note satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland and the Isle of Man and the Islands of Guernsey, Jersey and Alderney  
Registered Office: Victory House, 7 Selsdon Way, Isle of Dogs, London E14 9GL  
Registered in England No: 2983873

*[Signature]*

Chief Executive Officer  
Tradex Insurance Company Ltd

Tradex Insurance Company Limited Victory House, 7 Selsdon Way, London E14 9GL

T: 020 7001 9200 | www.tradex.com

4. Vehicle details

A Registration number **HLO4 ZGF** 2 [A.1] Validation character **D** 3

B Date of first registration **16 07 2004**

[B.1] Date of first registration in the UK **01 10 2015**

D.1 Make **MERCEDES**

D.2 Type

Variant

Version

D.3 Model  
D.5 Body type **ESTATE**  
[X] Taxation class **PRIVATE/LIGHT GOODS (PLG)**

[D.6] Suspension Type

[Y] Revenue weight **2515 KG GROSS**

P.1 Cylinder capacity (cc) **3190 CC**

V.7 CO<sub>2</sub> (g/km)

P.3 Type of fuel **PETROL**

S.1 Number of seats, including driver **7**

S.2 Number of standing places (where appropriate)

[D.4] Wheelplan **2-AXLE-RIGID BODY**

J Vehicle category

K Type approval number **EXEMPT**

P.2 Max. net power (kW)

E VIN/Chassis/Frame No. **WDF63981323031269**

P.5 Engine number **NOT KNOWN**

F.1 Max. permissible mass (exc. m/c)

G Mass in service

Q Power/Weight ratio (kW/kg) (only for motorcycles)

R Colour **SILVER**

O Technical permissible maximum towable mass of the trailer:

O.1 braked (kg)

O.2 unbraked (kg)

U Sound level:

U.1 stationary (dB(A))

U.2 engine speed (min-1)

U.3 drive-by (dB(A))

V Exhaust Emissions:

V.1 CO (g/km or g/kWh)

V.2 HC (g/km or g/kWh)

V.3 NO<sub>x</sub> (g/km or g/kWh)

V.4 HC+N<sub>2</sub>O<sub>x</sub> (g/km)

V.5 particulates (g/km or g/kWh)

5. Registered keeper

If any details are wrong enter the correct details in section 6, sign section 8, and return to DVLA

C.4.c - This document is not proof of ownership.

C.1.2 **JOHN**

C.1.1 **LAWRANCE**

C.1.3 **KINGFISHER HOUSE**

**WEYCROFT**

**AXMINSTER**

**EX13 7LN**

I **ACQUIRED VEHICLE ON 19 10 2015**

Please write in black ink and CAPITAL LETTERS.

6. New keeper or new name/new address details

Please see section 12

Mr 1 Mrs 2 Miss 3 Please tick  the appropriate box **W** 4

Title (for example, Ms, Rev and so on) or business name:

First names:

Surname:

For company use only DVLA/DVA Fleet number

Date of birth (not required by law)

Postcode:

Please help us to help you by giving your postcode.

House No:

Address:

Post town:

New keeper? If so tick this box **K** 12

Date of sale or transfer:

**19 10 2015** 13

Driving licence number of the new keeper (not required by law)

Present mileage (not required by law)

**15**

**R** 16

**S** 17

7. Changes to current vehicle

Only enter corrected or altered details

Wheelplan / Body type

VIN / Chassis / Frame Number

New revenue weight

Date of change

Cylinder capacity (cc)

No. of seats inc. driver

No. of standing places

Type of fuel

Engine number

New colour

Date of change

CLR

Tax class\*

**Y** 31

\*The tax class shown in section 4 can only be changed when taxing. Please apply at your nearest Post Office.

8 Declaration - You MUST sign, date and return this page to DVLA, Swansea, SA99 1BA when you notify any changes.

Registered keeper: I declare that the new details I have given are correct to the best of my knowledge.

New keeper: I declare that this vehicle was sold or transferred to me on the date shown in section 6 and my name and address are correctly shown.

Signature:

Date:

Signature:

Date:

Law: If the vehicle is sold or transferred, both the registered keeper and the new keeper must sign this Certificate.

Official use only - Please do not write below this line.

V5C-0614

Doc. Ref. N° 5308 843 3871 05 11 15  
Des. Codes 1392194240 / 001882 41

HLO4 ZGF

**D**



ISC

34

## **An extract from the Automobile Association Website**

### **Importing a Car**

#### **What to look out for**

Imported cars may be cheaper, can sometimes have better equipment and you may even get your hands on an unusual model that's not available to the UK market. So why isn't everyone buying a car abroad?

Imports fall into two broad categories

- EU imports / parallel imports – cars bought in other EU countries
- Grey imports – cars built for non-EU countries

Whilst there are benefits in both cases, there can be disadvantages for the unwary.

#### **Parallel Imports**

In the late 1990s, manufacturers in the UK came under pressure to reduce new car prices. An official report showed that prices for 'identical' car models were considerably higher here than in many other European countries.

Importing from across the Channel became popular as a result. It's less so these days though as UK-dealer supplied new car prices have fallen, narrowing the gap with European-dealer prices.

Even if you're not going to buy in Europe yourself, a lot of people have over the past few years with the result that there are now many parallel imports in the used car market.

#### **Vive la Différence**

Thanks to European Whole Vehicle Type Approval, all cars sold in Europe (including the UK) must meet the same minimum standards for crash protection, emissions, lighting, brakes, steering and so on. So you needn't worry that a car bought from a dealer in Spain or Belgium, for example, won't meet the same high standards as one bought through a franchise dealer in the UK.

You may need to watch out for the specifications though as an 'official' UK car spec may well differ from the EU version – a sunroof or leather trim may come as standard here but may be optional in Belgium for example.

Make sure you get the specification in writing and check that it matches the UK spec. You may be happy to accept a lower spec though, if the price is right.

#### **Warranty**

UK dealers should honour a warranty, but the warranty period may be shorter than for a UK dealer sourced car.

According to the Society of Motor Manufacturers and Traders ([SMMT](#)):

"Any new car that is sold within any member country of the European Union has a one year manufacturer's pan-European warranty, although some manufacturers have now extended this to two or even three years.

"The pan-European warranty will be honoured at any of the manufacturer's UK authorised dealers, but will not include an extended or dealer warranty, which can normally be purchased separately from your local dealer." Though looking through the European block exemption legislation indicates that a minimum two-years pan-European warranty may have been required since 2002.

The [SMMT](#) go on to say that it's very important to check the warranty provisions with the importer to ensure that you will receive the full benefit of the pan-European warranty. The warranty on a vehicle which is not imported through a UK authorised dealer may have commenced at the point of sale to the third party importer and therefore you may not receive the full period of the pan-European warranty.

### **Non-EU or Grey Imports**

Japan is the most popular source for these imports. Many independent dealers now specialise in this area.

Buying Japanese can be a great way to get hold of a car that's:

- built to a higher spec than the UK version
- not available here at all
- only available in the UK via a long waiting list
- cheaper than the UK equivalent

Possibly the most well known of the grey imports is the Mazda Eunos, the Japanese version of the MX-5. Scan any of the popular classified-ad magazines and you'll see almost as many of the grey imports advertised as you will MX-5s, and you'll also see how the origin affects the price. The grey import will tend to be cheaper.

Be warned though, not all Japanese imports are easy to spot – we've even seen examples of Eunoses masquerading as MX-5s.

### **Safeguards**

Japan's technical regulations are not the same as those that apply in the UK and Europe which means that cars must undergo modification and testing under the SVA (Single Vehicle Approval) scheme to ensure that they meet appropriate safety and environmental standards before they are legal to use on UK roads. The Government's Vehicle and Operator Standards Agency (VOSA) operates the SVA scheme, and we recommend that you read the [comprehensive information](#) available on their website.

If you are considering buying a grey import, we recommend that you buy from a reputable dealer and only consider cars already modified for UK use and approved

under the SVA scheme. The seller will be able to show you what's known as a 'Minister's Approval Certificate' for the car.

Reputable dealers will be members of BIMTA, the [British Independent Motor Trade Association](#). Many will be able to offer servicing, repair and spare parts and all have signed up to BIMTA's code of conduct.

BIMTA also offers a '[Certificate of Authenticity](#)' service which gives peace of mind that the car hasn't been registered as stolen prior to export, and that there's no outstanding finance on the car. A mileage check is included too.

### **Possible issues with grey imports**

1. Finance can be difficult:
  - you could try a personal loan.
2. Crash safety levels/occupant protection may be inferior to EU cars.
3. Insurance can be higher:
  - some insurers may not offer you cover, however, specialist insurers do exist.
4. The handbook and service history is likely to be in Japanese.
5. The recorded mileage cannot be guaranteed.
6. You won't have an anti-perforation warranty:
  - seals and hoses etc will perish faster in the UK climate.
7. The brake balance might feel different.
8. The suspension might feel stiffer.
9. The gearbox ratios might be lower.
10. It may be harder to service and maintain the car, even from 'official' UK dealers.
11. UK dealers' diagnostic equipment may be incompatible making servicing difficult.
12. Some dealers may provide parts and servicing, but check before you buy.
13. Paints and galvanising, particularly on 4x4s, may not be so durable as they're made for other climates
14. Repairs may not be easy – you may have to get parts such as body panels and electronic control directly from Japan.
15. The catalytic converter won't be as effective when run on UK fuel.
16. There are no manufacturer's warranties – although the importer/dealer may offer a mechanical breakdown warranty.
17. It will depreciate more than a UK model.
18. You may have trouble reselling privately.

### **AA Car Data Check**

To satisfy World Trade Organisation concerns over fair trade, the DVLA no longer classifies the import status of any vehicle originating outside the UK.

## Imports

As a result an [AA Car Data Check](#) will not provide information on the import history of a vehicle.

An [AA Car Data Check](#) will however tell you if, according to the DVLA, the vehicle you are checking has been previously used outside of the UK, as well as the original date of manufacture, and the date of registration within the UK, as registered with the DVLA.

If a vehicle is transferred between the DVA (Northern Ireland) and DVLA the date of registration within the UK will reflect the date that the vehicle was registered with the DVLA and may not be its original date of first registration, You should always check year of manufacture for any discrepancies in registration date and manufacture date, and if you have any concerns we recommend you [AA Car Data Check](#) is unable to provide any information on a vehicle before it was first registered with the DVLA. When assessing how long the vehicle spent registered abroad, the year of manufacturer and the date of first registration in the UK provide a good guideline.

## Export

If a vehicle is exported out of the UK and then is subsequently imported back in, the record of the export is removed from the vehicle's history by the DVLA.

Therefore an [AA Car Data Check](#) is unable to provide information on a vehicle's previous export status, once it becomes a UK registered vehicle again.

An [AA Car Data Check](#) is also unable to provide any information about the vehicles history whilst it was registered and used abroad.

**Report to:** **Licensing and Enforcement Sub Committee**

**Date of Meeting:** 16 December 2015

**Public Document:** Yes

**Exemption:** None

**Review date for release** None



**Agenda item:** 7

**Subject:** **Determination of an application to licence a Private Hire vehicle which does not comply with the Council's vehicle age policy**

**Purpose of report:** It is the district council's policy that on initial licensing as a private hire vehicle a vehicle shall not be more than four years old from the date of first registration as shown on the registration document and shall not normally be licensed in the case of ordinary cars beyond eight years old, and purpose built hackney carriages (as so described in the registration document of the vehicle) beyond ten years of age. Those vehicles continuing to be licensed of a greater age shall be licensed subject to a satisfactory test certificate being obtained every six months.

**Recommendation:** That the Sub Committee considers the application to licence a Ford Transit vehicle registration number YR11 FGD as a private hire vehicle and determine whether to refuse the application or make an exception to the District Council's vehicle age policy and agree to licence the vehicle. Being 4 years and nine months old the vehicle falls outside of the criteria as agreed by Council as it is over four years old from date of registration. It was first registered on 29 March 2011.

**Reason for recommendation:** To ensure that vehicles licensed with this authority meet a high standard of passenger safety and comfort and are fit to carry out the work that is required as a private hire vehicle.

**Officer:** Douglas Jackson, Licensing Officer, Ext. 2611  
Direct Dial: 01395 517411, Email: [Djackson@eastdevon.gov.uk](mailto:Djackson@eastdevon.gov.uk).

**Financial implications:** There are no financial implications in this report. If the applicant appeals against the decision made there may be a possibility of court costs.

**Legal implications:** The legal implications are contained within the report.

**Equalities impact:** Low Impact

**Risk:** Low Risk



**Links to background information:**

- Appendix A - Application to licence a private hire vehicle
- Appendix B - Letter from Mr Crudge to explain the application
- Appendix C - V5 United Kingdom registration document for vehicle YR11 FGD
- Appendix D - PSV test certificate for vehicle YR11 FGD dated 30 July 2015
- Appendix E - DCC examination and test certificate for vehicle's passenger lift

**Background Papers:**

- Minutes of Tourism and Transportation Committee, March 1994
- Private Hire application for vehicle YR11 FGD

**Link to Council Plan:** Living in, working in and enjoying this outstanding place

**Main Body of the Report**

- 1.1 The licensing of hackney carriages and private hire vehicles is the responsibility of the council and is governed mainly by legislation under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 **Section 47 Local Government (Miscellaneous Provisions) Act 1976 states that:**
  - (a) 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, and
  - (b) Without prejudice to the generality of the foregoing subsection a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear any distinguishing marks as shall clearly identify it as a hackney carriage.
- 1.3 **Section 60 Local Government (Miscellaneous Provisions) Act 1976 states**

Notwithstanding anything in the Act of 1847 or in this part of the Act a district council may suspend or revoke or (on application therefore under section 40 of the act of 1847 or section 48 of this act, as the case may be) refuse to renew a vehicle licence on any of the following grounds.

  - (a) That the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle
  - (b) any offence under or non compliance with the provisions of the act of 1847 or of this part of the act by the operator or driver, or
  - (c) any other reasonable cause.
- 1.4 In March 1994 the Council's Tourism and Transportation Committee agreed to consolidate the terms and conditions of hackney carriage and private hire licensing requirements into a policy booklet which should be made available to existing and potential hackney carriage drivers and owners. The policy states that on initial licensing as a private hire vehicle a vehicle shall not be more than **four years** old from the date of first registration as shown in the registration document.
- 1.5 On 23 November 2015, Mr Kevin Crudge made an application to the District Council to licence a Ford Transit Van, registration number YR11 FGD. This vehicle was registered on **29 March 2011** making it now **4 years and 8 months old**.

- 1.6 In support of this application the following documentation has produced:
- Appendix A - Application to licence a private hire vehicle
  - Appendix B - Letter from Mr Crudge to explain the application
  - Appendix C - V5 United Kingdom registration document for vehicle YR11 FGD
  - Appendix D - PSV test certificate for vehicle YR11 FGD dated 30 July 2015
  - Appendix E - DCC examination and test certificate for vehicle's passenger lift
- 1.7 The vehicle is described in the registration document as a white Ford Euro 4. The body type is described as a Minibus disabled passenger vehicle with an engine cylinder capacity of 2404cc.
- 1.8 Mr Crudge is a licensed private hire driver, vehicle and operator with this authority. He operates from Dunkeswell, Honiton and has one private hire vehicle currently licensed. He is also a licensed coach operator and can use this Ford Transit, the subject of the application today on an "O" licence issued by the Traffic Commissioners. That is outside the operating conditions of private hire licensing by the council.
- 1.9 The vehicle has been shown to East Devon licensing staff prior to the application being received and upon examination the vehicle appeared to be in very good condition, being typical of its age.
- 1.10 The vehicle is a wheelchair accessible vehicle (WAV) with a power lift to the rear of the vehicle to enable easy access to the vehicle. If members see fit to licence the vehicle Mr Crudge asks that the vehicle is licensed for:
- (a) 8 Passengers when not carrying a wheelchair or
  - (b) 7 Passengers when carrying one wheelchair or
  - (c) 3 Passengers when two wheelchairs are carried.
- It is the Licensing Officer's opinion that these seating configurations can be accommodated safely within the vehicle subject to this application.
- 1.11 Should members be minded to grant this licence in the form requested by the applicant then the three options set out in paragraph 1.10 would be made into conditions to be attached to the licence to ensure that the correct amount of wheelchairs/passengers is carried correctly and safely.
- 1.12 The vehicle's recorded mileage on 30 July 2015 was 82593.
- 1.13 The vehicle will be produced by the applicant at the Council Offices on the day of the hearing to enable Members the opportunity to inspect it.
- 1.14 Mr Crudge has been asked to provide as much documentation as he can provide , i.e. service records MOTs etc.. He has also been advised that it might be beneficial for the application if he provided an AA 'Comprehensive' test report or a RAC 'Essential Plus' report to indicate the condition of the vehicle. It has been requested that if he does intend furnishing one of these reports then it would be useful if it was supplied to the council's licensing office in sufficient time before the hearing to enable officers to seek any necessary technical information before making recommendations to members at the hearing.

## **2 Back Ground Information**

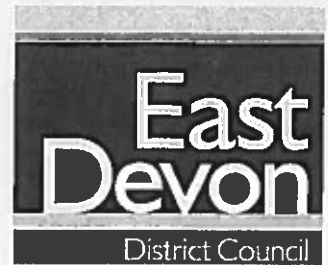
- 2.1 As explained at paragraph 1.4, in March 1994 the Council's Tourism and Transportation Committee agreed a policy that on initial licensing as a hackney carriage vehicle a vehicle shall not be more than **four years** old from the date of first registration as shown in the registration document. This is a policy agreed by members following, as in all cases of policy, consultation with the trade. Policy is more than advice and should not be disregarded unless exceptional circumstances apply. In this case this does not just merely mean that the vehicle should be in exceptional condition. Members may need additional exceptional circumstances. It is for the applicant to provide this information. If members are unable to find grounds to make an exception the application should be refused.
- 2.2 When departing from policy Members should state clearly in their decision the grounds for making the exception.
- 2.3 There are only seven WAVs (wheelchair accessible vehicles) licensed in the East Devon District, four in Sidmouth and three in Exmouth. Over the last few years in order to increase numbers and spread of vehicles capable of carrying passengers in wheelchairs this Council has been actively encouraging applications from owners to licence WAVs. This type of vehicle is generally more expensive to purchase and operate hence the reluctance by operators to run them. Because these vehicles are more expensive to purchase than the equivalent unmodified vehicle, operators wishing to run WAVs often have to seek out older vehicles which are within their price capability.
- 2.4 Mr Crudge has informed Mr Jackson that he is currently working for Devon County Council using this vehicle for wheelchair transportation. This has been confirmed by Mr Colin Westlake (DCC Safety, Compliance and Fleet Manager) who said: "It is a very tidy 8 passenger seat Ford Transit that has been converted for up to two wheelchair users, it has a power lift and meets our requirements as far as layout and specification. It is at present covering some school and social care wheelchair work. Normally we do not allow 8 passenger seat vehicles to operate on an 'O' licence on our routes. They must be either hackney or private hire but as a short term arrangement we have allowed this to happen to cover a gap in wheelchair vehicle provision in this area. We have been using this vehicle since the beginning of September."

It is for this reason that Mr Crudge has made an application to licence this vehicle so that he can continue to work for Devon County Council and to also use it for carrying passengers in the East Devon area under a private hire licence. Devon County Council carry out their own inspections of vehicles before they are permitted to work on County Council contracts.

## **3 Conclusion**

- 3.1 This vehicle subject of this application is to be used not only for Devon County Council work but for transportation of passengers in the East Devon area. There is a shortage of this type of vehicle in the Honiton area, the nearest WAV being in Sidmouth.
- 3.2 It is the Licensing Manager's recommendation that if members are satisfied that there are exceptional reasons for doing so this application should be granted. An issue that members should consider is that the vehicle is in good condition. It is only just outside the 4 year policy limit and the vehicle is already in use by Devon County Council as a WAV and if licensed by the council will be used by the operator as a WAV as there is a shortage of this type of vehicle in the area.

- 3.3 The vehicle is only just over 4 years old and appears in good condition for its age however if members are minded to grant this application and if Mr Crudge has not already furnish the council with either an AA 'Comprehensive' test report or a RAC 'Essential Plus' report on the vehicle the Sub Committee has an option to adjourn the application to enable the applicant to provide one of these reports to a satisfactory level.
- 3.4 As has previously mentioned in the report there are currently 167 licensed hackney carriage vehicles and 17 private hire vehicles but only seven of these are wheelchair accessible
- 3.5 Finally if this application is refused the applicant has the right to appeal the decision to a Magistrates Court within 21 days.



# Application for Private Hire Vehicle Licence

<b>Proprietor's Name and Address</b>	
STABLES COACHES TUDORRY FARM DUNLISWELL HUSWORTH	
Post Code: BX14 4QN	Telephone No: 01404 - 841657

<b>Company/Operator's Name and Address</b>	
AS ABOVE	
Post Code:	Telephone No:

Vehicle - Please complete one form per vehicle					
Make/Model Colour	Registration No.	Passenger Seating Capacity	c.c. Petrol/ Diesel	Date of First Registration	Private Hire Vehicle Licence No.
FORD TRANSIT WHITE	YR11FFD	8  WHEELCHAIR ACCESS YES/NO*	2402cc  DIESEL	29-03-2011	

- Has the vehicle to your knowledge been declared a 'write off' or 'potential write off' by the police or an insurance company and forms to that effect sent to DVLC? YES/NO\*
- Are the details as shown on the vehicle registration document correct and to your knowledge relate to the vehicle which you now apply to licence? YES/NO\*
- Is the vehicle to be used with a radio telephone or radio communication system? YES/NO\*

EDDC are required under Section 6 of the Audit Commission Act 1998 to participate in the National Fraud initiative (NFI) data matching exercise. This means that taxi and private hire licence data will be provided to the Audit Commission for NFI and will be used for cross-system and cross authority comparison purposes for the prevention and detection of fraud.

I declare that all the above particulars are correct. I enclose the insurance certificate, MOT certificate (where appropriate), Vehicle Test Form and Registration Document of the vehicle.

<b>Signed:</b> 	<b>Date:</b> 12-11-15	EDDC LICENSING AUTHORITY RECEIVED 23 NOV 2015
--------------------	--------------------------	--

The information you provide will be secured and processed in accordance with the Council's notification under the Data Protection Act 1998

OFFICIAL USE ONLY				
Log Book	Insurance	MOT/Council Test	Receipt No./Fee	Date
SEEN YES/NO	COMPANY No. Issued Expired	No. Issued Expired Garage	Fee £247	

# STAMPS COACHES

APPENDIX B

Proprietors: K.W. & S. Crudge

Turbury Farm  
Dunkeswell  
Honiton  
Devon, EX14 4QN

VAT Reg. No. 171 0991 11

Telephone: (01404) 841657

Fax: (01404) 841668

Mr.D.Jackson,  
Licensing Officer,  
East Devon District Council,  
Knowle,  
Sidmouth,  
EX10 8HL.

12th November 2015.

Dear Mr. Jackson,

Further to our previous telephone conversation please find enclosed details of our recently acquired Ford Transit wheelchair accessible vehicle, which I would appreciate if you could put to your committee for consideration for licensing under Private Hire Vehicle regulations.

The vehicle has been inspected by Devon County Council and approved for use on their contract work and is in fact currently being used to transport a wheelchair bound school pupil.

As can be seen it is currently PSV rated however as it is rated as 8 passenger seats or 2 wheelchairs and 3 passenger seats we would much prefer to run it as a PHV.

As discussed should the committee approve the vehicle for licensing then I would be happy to have the appropriate MOT test carried out.

I take this opportunity to thank you for your time and assistance to date and look forward to your reply in due course.

Yours sincerely,

  
Kevin Crudge.

EDDC LICENSING AUTHORITY		
RECEIVED 23 NOV 2015		
ACCEPT	REJECT	REF



Registration number

YR11 FGD



APPENDIX C



**THIS DOCUMENT IS NOT PROOF OF OWNERSHIP.**  
It shows who is responsible for registering and taxing the vehicle.

  
Driver & Vehicle  
Licensing  
Agency

UNITED KINGDOM  
**UK** REGISTRATION  
CERTIFICATE

## European Community

свидетелство за регистрация  
Permiso de circulación  
Osvedčeni o registraci  
Registreringsattest  
Zulassungsbeseinigung  
Registreerimistunnistus

Άδεια κυκλοφορίας /  
Πιστοποιητικό Εγγραφής  
Certificat d'immatriculation  
Teastas Cláráithe  
Carta di circolazione  
Reģistrācijas apliecība

Registracijos liudijimas  
Forgalmi engedély  
Certifikat ta' Registrazzjoni  
Kentekenbewijs  
Dowód Rejestracyjny  
Certificado de matricula

Certificat de înmatriculare  
Osvedčenie o evidencii  
Prometno dovoljenje  
Rekisterõintodistus  
Registreringsbeviset  
Prometna dozvola

## 1. Registered keeper



You **must** make sure that the name  
and address printed here is correct.  
If it is not, see section 12.

Document reference number

5247 565 731

Thinking of buying this vehicle?

**Buyer beware...**

Do you know how to avoid being tricked into buying a stolen vehicle?

For tips and advice go to  
[www.gov.uk/checks-when-buying-a-used-car](http://www.gov.uk/checks-when-buying-a-used-car)

## 2. The previous registered keeper

[Z.1] GREEN MOUNTAIN TRAVEL, THE QUARRY HOUSE, FRONT STREET, DINNINGTON, NEWCASTLE UPON TYNE,  
NE13 7LG.

[Z.2] ACQUIRED VEHICLE ON 20 09 2012

[Z] NO. OF FORMER KEEPERS 3

## 3. Special notes (these notes cannot be removed)

1. DECLARED NEW AT FIRST REGISTRATION.

## 4. Vehicle details

A Registration number **YR 11 FGD** 2[A.1] Validation character **1** 3

B Date of first registration **29 03 2011**  
 [B.1] Date of first registration in the UK **29 03 2011**

D.1 Make **FORD**  
 D.2 Type

Variant **EURO4**  
 Version

D.3 Model **TRANSIT 115 T350M RWD**  
 D.5 Body type **MINIBUS**  
 [X] Taxation class **DISABLED PASSENGER VEH**  
 [D.6] Suspension Type  
 [Y] Revenue weight  
 P.1 Cylinder capacity (cc) **2402 CC**  
 V.7 CO<sub>2</sub> (g/km)  
 P.3 Type of fuel **HEAVY OIL**  
 S.1 Number of seats, including driver **10**  
 S.2 Number of standing places (where appropriate)

[D.4] Wheelplan **2-AXLE-RIGID BODY**  
 J Vehicle category **N1**  
 K Type approval number **022V109T 7**  
 P.2 Max. net power (kW) **85**  
 E VIN/Chassis/Frame No. **WF0XXXTTFXBK65573**  
 P.5 Engine number **BK65573**  
 F.1 Max. permissible mass (exc. m/c) **3500**  
 G Mass in service **2006**  
 Q Power/Weight ratio (kW/kg) (only for motorcycles)  
 R Colour **WHITE**  
 O Technical permissible maximum towable mass of the trailer:  
 O.1 braked (kg) **2800**  
 O.2 unbraked (kg) **750**  
 U Sound level:  
 U.1 stationary (dB(A)) **87**  
 U.2 engine speed (min<sup>-1</sup>) **2625**  
 U.3 drive-by (dB(A)) **75**  
 V Exhaust Emissions:  
 V.1 CO (g/km or g/kWh) **0.396**  
 V.2 HC (g/km or g/kWh) **0.325**  
 V.3 NO<sub>x</sub> (g/km or g/kWh) **0.363**  
 V.4 HC+NO<sub>x</sub> (g/km) **0.055**  
 V.6 particulates (g/km or g/kWh)

## 5. Registered keeper

If any details are wrong enter the correct details in section 6, sign section 8, and return to DVLA

C.4.c - This document is not proof of ownership.

C.1.1 STAMPS COACHES

C.1.3 TURBURY FARM  
 DUNKESWELL  
 HONITON  
 EX14 4QN

I ACQUIRED VEHICLE ON 27 08 2015  
 Please write in black ink and CAPITAL LETTERS.

## 6. New keeper or new name/new address details

Please see section 12

Mr 1 Mrs 2 Miss 3 Please tick  the appropriate box **W** 4

Title (for example, Ms, Rev and so on) or business name: \_\_\_\_\_ 5

First names: \_\_\_\_\_ 6

Surname: \_\_\_\_\_ 7

For company use only DVLA/DVA Fleet number \_\_\_\_\_ 8

Date of birth (not required by law) \_\_\_\_\_ Postcode: \_\_\_\_\_ 9

DDMMYY 8

House No: \_\_\_\_\_ 10

Address: \_\_\_\_\_ 11

Post town: \_\_\_\_\_

New keeper? If so tick this box  **K** 12 Date of sale or transfer: DDMMYY 13

Driving licence number of the new keeper (not required by law) \_\_\_\_\_

Present mileage (not required by law) \_\_\_\_\_ 15

**R** 16 **S** 17

## 7. Changes to current vehicle

Only enter corrected or altered details

Wheelplan / Body type \_\_\_\_\_ 2X

VIN / Chassis / Frame Number \_\_\_\_\_ 21

New revenue weight \_\_\_\_\_ Date of change DDMMYY 23 \_\_\_\_\_ 22

Cylinder capacity (cc) \_\_\_\_\_ 24

No. of seats inc. driver \_\_\_\_\_ No. of standing places \_\_\_\_\_ Type of fuel \_\_\_\_\_ 27

25 26

Engine number \_\_\_\_\_ 28

New colour \_\_\_\_\_ Date of change DDMMYY 29 \_\_\_\_\_ 30

Tax class\* \_\_\_\_\_ **Y** 31 \_\_\_\_\_ 32

\*The tax class shown in section 4 can only be changed when taxing. Please apply at your nearest Post Office\*.

## 8 Declaration - You MUST sign, date and return this page to DVLA, Swansea, SA99 1BA when you notify any changes.

Registered keeper: I declare that the new details I have given are correct to the best of my knowledge.

New keeper: I declare that this vehicle was sold or transferred to me on the date shown in section 6 and my name and address are correctly shown.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Law: If the vehicle is sold or transferred, both the registered keeper and the new keeper must sign this Certificate.

Official use only - Please do not write below this line.

V5C-0614



# APPENDIX D

Road Traffic Act 1988, Section 45



Driver & Vehicle  
Standards  
Agency

## M 013220

# Vehicle Test Certificate Public Service Vehicle

VTP 20 Rev. 04/14

The vehicle of which the registration mark

is 

Y	R	L	L	F	G	D
---	---	---	---	---	---	---

 Country symbol of state of registration 

UK
----

 with

VIN / chassis no. 

W	F	O	X	X	T	T	F	X	B	K	6	S	5	7	3
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

has been examined under Section 45 of the Road Traffic Act 1988 and in accordance with the regulations and directions issued under that section, and it is hereby certified that the vehicle was found to comply with the statutory requirements prescribed under that section.

This certificate is valid from the date of issue until it:

### WARNING:

Certificates showing alterations should not be issued or accepted.

Odometer reading at time of examination (if applicable)

8	2	5	9	3	=
---	---	---	---	---	---

Expires on	29 <sup>th</sup> JULY 2016 (SIXTEEN)
Date of Issue	30 <sup>th</sup> JULY 2015 (FIFTEEN)
Signature	
Place	J. R. ADAMS
Place Ref. No	PS0716

Seat belt installation checked this test (tick if appropriate)?

Yes  No

Previous installation check date:

Number of seat belts fitted:

TYPE APPROVED  
10

ROUTINE MAINTENANCE SCHEDULE AND INSPECTION RECORD FORM

EXAMINATION & TEST CERTIFICATE FOR VEHICLE PASSENGER LIFT

Customer K. CRUDGE COACHES - STAMPS  
 Vehicle Fleet No. N/A Vehicle Reg. No. YR11 FGD  
 Vehicle Manufacturer FORD Vehicle model TRANSIT  
 Vehicle voltage 12v Vehicle floor height 195 (mm)  
 Passenger lift model LINEAR LIFT  
 Lift serial No. GB313  
 Lift maximum safe working load (S.W.L.) 350 (Kg) uniformly distributed  
 Max. working pressure (with max. S.W.L. applied) N/A bar  
 Relief valve setting N/A bar

TEST

- (a) Safety devices
  - Ramp/roll stop
  - Bridge plate/roll stop
  - Flow control valve. Carry out CRASH TEST on hydraulic system
- (b) Raising and lowering controls
- (c) Overload test load applied 425 Kg. (Check lift and mountings to vehicle)
- (d) Safe working load test (S.W.L.) load applied 350 (Kg)
- (e) Set relief valve N/A bar
- (f) Operation time at S.W.L. for floor height of 197 (mm)
  - up 15 (seconds), down 13 (seconds)
- (g) Check ancilliary equipment
- (h) Downward creep in 10 minutes 0 (mm)

Declaration

I certify that on (date) 7/9/15 the equipment/installation was tested and thoroughly examined and complies to the Manufacturers specifications. No defects were found and I certify that the foregoing is a correct report of the result

Signature/s [Signature] Date 7/9/15  
 Name L Hutchinson Position in Company RTM  
 Business address \_\_\_\_\_

**Report to:** **Licensing and Enforcement Sub Committee**



**Date of Meeting:** 16 December 2015

**Public Document:** Yes

**Exemption:** None

**Agenda item:** **Item 8**

**Subject:** Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary.

**Purpose of report:** The report details these applications.

**Recommendation:** That the application be granted as applied for subject to the agreed position set out in the schedule below, any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

**Reason for recommendation:** To comply with statutory processes.

**Officer:** Neil McDonald [nmcdonald@eastdevon.gov.uk](mailto:nmcdonald@eastdevon.gov.uk) 01395 517410

**Financial implications:** The only financial implication is if the applicant appeals against the decision made, with the possibility of court costs.

**Legal implications:** The council's decision may be appealed to the Magistrates Court.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:** Background Papers  
The relevant licensing applications  
Representations received from Responsible Authority  
Guidance issued under Section 182 of the Licensing Act 2003  
The District Council's Statement of Licensing Policy

**Link to Council Plan:** Not applicable

### Report in full

1. Legislation Background
- 1.1 Under the Licensing Act 2003 it is unclear whether applications where an agreed position has been reached and the parties do not consider a hearing to be necessary, require to be formally determined by a licensing sub committee, as opposed to relying on determination powers delegated to officers. To put the matter beyond doubt, these applications are reported to members for their approval of the agreed position. This process also enables members to be advised of the success of the informal mediation in advance of hearings, which is facilitated by Licensing Officers or sometimes by other Responsible Authorities.

2. Schedule of Applications

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the variation of a premises licence.	JK's Bistro, 7 New Street, Honiton, Devon, EX14 1HA.	<p>Following mediation the applicant and the Devon and Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the following amendments and additional conditions:</p> <ol style="list-style-type: none"> <li>1. Reduce the proposed hours for alcohol sales Monday to Sunday to end at 23:30 instead of midnight and on New Year's Eve to end at 01:30 hrs instead of 02:00.</li> <li>2. No person carrying open or sealed bottles or glasses will be admitted to the premises at any time.</li> <li>3. No customers will be permitted to take open containers of alcoholic or soft drinks from the premises.</li> </ol>
Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003		

Neil McDonald Ext.2079

Licensing Sub Committee

Licensing Officer

16 December 2015