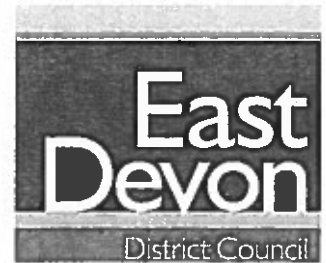


Date: 17 June 2010
Contact number: (01395) 571544
E-mail: clane@eastdevon.gov.uk
Our Reference: Christopher Lane
Your Reference: CL



To: Members of the Licensing & Enforcement Sub-Committee
(Councillors: Chris Gibbings, May Hardy, Mark Williamson)
Remaining members of the Licensing and Enforcement Committee
for information)

Licensing Officer
Assistant Solicitor

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL
DX 48705 Sidmouth
Tel: 01395 516551
Fax: 01395 517507
www.eastdevon.gov.uk

Meeting of the Licensing & Enforcement Sub-Committee

Tuesday 29 June 2010 at 9.30 am Council Chamber, Knowle, Sidmouth

Members of the public are welcome to attend this meeting. A hearing loop system will be in operation in the Council Chamber. 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). Visitor car parking is available at the top of the drive outside the main reception area.

Visitors please note that the doors to the civic suite (meeting rooms) will be opened ¼ hour before the start time of the meeting. Councillors are reminded to bring their key fobs if they wish to access the area prior to that time.

A G E N D A

- | | Page/s |
|--|------------------------|
| 1. To receive the minutes of the meeting held on 8 June 2010. | 3 - 5 |
| 2. To receive any apologies for absence from Members of the Sub Committee. | |
| 3. To receive any declarations of interests relating to items on the agenda. | |
| 4. To consider any items which in the opinion of the Chairman should be dealt with as matters of urgency because of special circumstances.

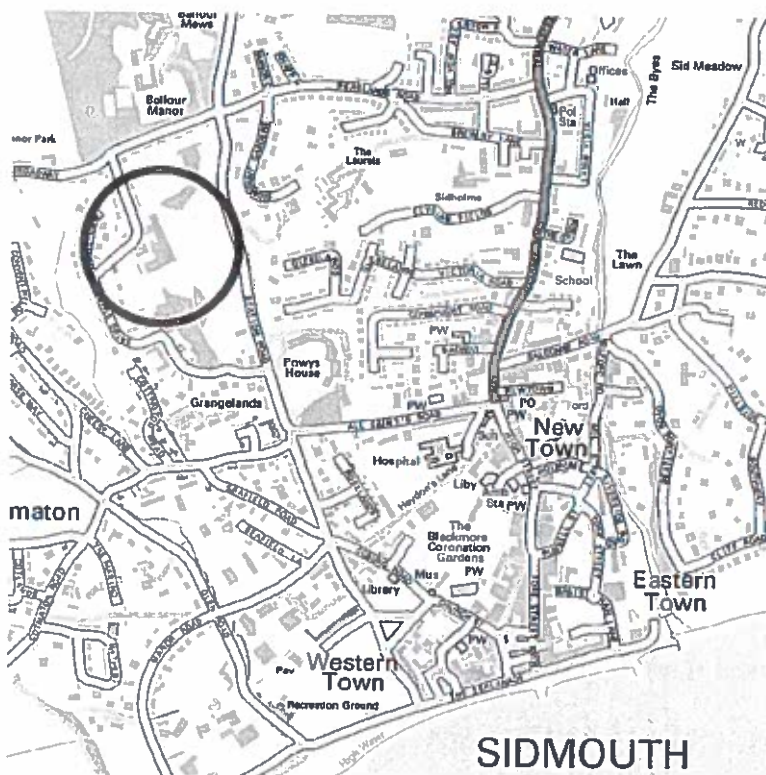
(Note: Such circumstances need to be specified in the minutes; any Member wishing to raise a matter under this item is requested to notify the Chief Executive in advance of the meeting). | |
| 5. To agree any items to be dealt with after the public (including the press) have been excluded. (There are no items which the Officers recommend should be dealt with in this way). | |
| 6. Hackney Carriage Vehicle Suitability | Licensing Officer 6-13 |

7. Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary – Route 66, Trinity Square, Axminster

Members Remember!

- You must declare any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- Make sure you say the reason for your interest as this has to be included in the minutes.
- If your interest is prejudicial you must leave the room unless you have obtained a dispensation from the Council's Standards Committee or where Para 12(2) of the Code can be applied. Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.
- You also need to declare when you are subject to the party whip before the matter is discussed.

Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following **bus service** stops outside the Council Offices on Station Road:
From Exmouth, Budleigh, Otterton and Newton Poppleford – 157

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).
From Exeter – 52A, 52B
From Honiton – 52B
From Seaton – 52A
From Ottery St Mary – 379, 387

Please check your local timetable for times.

The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub Committee held at Knowle, Sidmouth on Tuesday 8 June 2010

Present: Councillors:
Chris Gibbings (Chairman)
Steve Hall (Vice Chairman)

Officers: Neil McDonald – Licensing Officer
Giles Salter – Assistant Solicitor
Chris Lane - Democratic Services Officer

Also Present: Councillor Ken Potter

The meeting started at 11.35 am and finished at 11.45 am.

*4 Minutes

The minutes of the meetings of the Licensing & Enforcement Sub Committee held on 25 May 2010, were confirmed and signed as a true record, subject to paragraph 3 page 3 being amended to read - "The second issue raised by Mr Ennis was the complaint history. It was reported that the weather at the 2008 festival had been inclement and the noise conditions could have been worse. In 2009 when the weather was good and therefore there was a greater potential for noise disturbance there were only four complaints and some had been received after the event. Mr Ennis also referred to the complaints received in 2007". There were also two typographical errors amended in page 3 paragraph 2.

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

Consideration was given to the report of the Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

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

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the grant of a premises licence	Newton Poppleford & Harpford Pavilion Back Lane, Newton Poppleford, EX10 0EY	Following mediation the applicants and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved. To agree to extra and amended conditions as shown below: 1. The trustees of the Pavilion must ensure that all Pavilion hirers and users know and understand the layout of the Pavilion in terms of safety and fire regulations.

		<ol style="list-style-type: none">2. The trustees of the Pavilion must ensure that all hirers of the Pavilion understand and adhere to the terms of the hiring agreement and licence.3. The trustees of the Pavilion must ensure that those using the hall behave in such a manner so as not to give cause for concern to residents and members of the public.4. The trustees of the Pavilion must ensure that hirers of the Pavilion are fully conversant with the terms and restrictions of the licence.5. The trustees of the Pavilion must ensure that all hirers and users of the Pavilion provide adequate supervisory individuals appropriate to the intended use of the Pavilion and to prevent any occurrence of an event that may potentially give rise or cause concern to residents or members of the public, whether it is on arrival at, vacation of, or during the use of the Pavilion.6. The trustees must act together with the Police if the terms of the licence and or hiring agreement are contravened by any user hiring or using the Pavilion.7. The trustees must ensure that all necessary safety checks and inspection reports by service providers are current and on display.8. The trustees must ensure that those hiring the Pavilion are fully conversant and adhere to fire & safety regulations, emergency exits and that all first aid and safety equipment are adequate and current and that instructions for such use are on display.9. The trustees must ensure that the premises provide a safe and secure environment for all Pavilion users and restrictions on its use are adhered to.10. The trustees must ensure that the number of people in the building at any one time do not exceed the capacity of the building.11. The trustees must ensure that the terms and restrictions of the licence are understood and adhered to by those hiring the Pavilion and that appropriate signage is displayed to remind users of their obligations to behave in such a manner so as to not give cause for concern to residents and that they must vacate the Pavilion quietly.12. The signage must also remind users of their obligation to keep any music or other audible performances to a sensible level inside the Pavilion and that windows and doors are kept shut as appropriate.13. The trustees must make checks during the course of the Pavilion hire and at lock up, to ensure that the terms of the licence are being adhered to.14. When alcohol is sold or supplied at the Pavilion a "Proof of Age" policy must be enforced as part of the conditions of hire.
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		<p>15. A trustee or other responsible individual appointed by them must be available whenever an event where alcohol is sold or supplied at the Pavilion.</p> <p>16. There must be a written agreement between the Trustees and any hirer of the Pavilion which will include a risk assessment. Part of this risk assessment must ensure that when alcohol is sold or supplied at the Pavilion there will be a Proof of Age policy in force and that consideration must be given to the employment of SIA registered door staff.</p>
Recommendation	Recommend approval of application subject to the amended operating schedule	
Application for the grant of a premises licence	Littleham Community Hall West Down Lane, Littleham, Exmouth, EX8 2RQ	<p>Following mediation the Applicant, the Devon & Cornwall Constabulary and the Council's Environmental Health Section 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 inclusion within the operating schedule of the following conditions</p> <ol style="list-style-type: none"> 1. A Committee Member must be available at any event where alcohol is sold or supplied at the premises. 2. There must be a written agreement between the Committee and any hirer of the hall which will include a risk assessment. Part of this risk assessment must ensure that when alcohol is sold or supplied at the premises there will be a proof of age policy in force and that consideration must be given to the employment of SIA registered doorstaff. 3. The licence holder must ensure that staff regularly patrol the premises both indoors and outdoors to supervise the orderly conduct of patrons. 4. Customers must be asked not to stand around talking in the street outside the premises or car park and will be asked to leave the vicinity quickly and quietly. 5. The licence holder, or persons authorised by them, must control the volume of regulated entertainment taking place at the premises. 6. Suitable signage must be displayed in the patio and garden areas requesting patrons to respect the amenities of local residents. 7. An announcement must be made prior to closing requesting patrons co-operation in leaving the premises and vicinity as quietly and quickly as possible.
Recommendation	Recommend approval of application subject to the amended operating schedule	

Chairman

Date

Agenda Item 6

Licensing and Enforcement Sub-Committee

29 June 2010

JL



Hackney Carriage Vehicle Suitability

Summary

It is the District Council's policy to require all vehicles to be licensed as a Hackney Carriage to have an engine with a minimum cubic capacity of 1300cc when licensed by the Council. An application has been made to licence a vehicle with an engine capacity of 1248cc. The Committee is asked to determine whether to make an exception to their policy and agree to licence the vehicle or refuse the application.

Recommendation

To consider the application to licence a Vauxhall Corsa as a hackney carriage vehicle that falls outside of the criteria as required by the East Devon District Council and determine whether to make an exception to the District Council's policy and agree to licence the vehicle or refuse the application.

a) Reasons for Recommendation

To ensure that vehicles licensed with this authority meet an acceptable level in that licensed vehicles have sufficient power to provide passenger safety and comfort to a high standard.

b) Alternative Options

To refuse the application or to make an exception to the policy and grant the application to licence the vehicle as a Hackney Carriage vehicle.

c) Risk Considerations

If this application is refused, an applicant whose application is refused has a right to appeal within 21 days to a Crown Court.

d) Policy and Budgetary Considerations

The Policy implications are set out in the report. As far as budgetary considerations are concerned if there is an appeal and the Council loses, there may be a financial implication as to costs/compensation etc to be paid by the Council.

e) Date for Review of Decision

None.

Main Body of the Report

- 1.1 The licensing of hackney carriages is the responsibility of the local authority 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 In March 1994 the Tourism and Transportation Committee agreed to consolidate the terms and conditions of hackney and private hire licensing requirements in a booklet which should be made available to existing and potential hackney carriage drivers and owners. It was resolved "that the booklet be approved subject to the third line of clause 1(f) being amended to read ... "and shall not normally be licensed". The booklet includes the requirement that the council's policy is that "the minimum engine capacity of vehicles is to be 1300cc".
- 1.4 On Friday the 28 May 2010 Mrs Rachel Wright on behalf of Mr Barry Saxton of 12 Rance Drive, Exmouth made an application to the District Council to transfer hackney vehicle licence HV0089 from a Vauxhall Vectra saloon registration number YC03 FHL to a Vauxhall Corsa registration number WG10 BZF. In support of this application a vehicle inspection report dated 28 May 2010 and a current insurance certificate valid from 28 May 2010 were produced. She was keen to have the vehicle licensed at the earliest opportunity so as to be able to use it as a hackney carriage without undue delay.
- 1.5 Mrs Wright is Mr Saxton's daughter. She holds a hackney driver's licence and regularly drives licensed hackney vehicles for Swift Cars.
- 1.6 Mr Saxton is the owner of Swift Cars, a local Exmouth taxi company. He currently has 3 licensed hackney vehicles and four licensed drivers working for him. He has been a hackney carriage driver licence holder since 1986.
- 1.7 Mrs Wright had just bought the vehicle as brand new and drove it to the Council Offices where she presented it for inspection to Licensing Officer Neil McDonald at the Council Offices at Knowle. She produced the application form to licence the vehicle but was unable to produce the vehicle registration certificate (form V5C) because the DVLA had not at that time issued it.
- 1.8 Mrs Wright produced in lieu of the V5C a document titled "Confirmation of Registration Details" which confirmed the registration number, vehicle identification number and the fuel type of the vehicle.
- 1.9 When questioned by Mr McDonald about the engine's cubic capacity she answered that she had been told by the vehicle supplier that it was 1.4 litres (1400cc).
- 2.0 Mrs Wright produced the hackney carriage vehicle inspection report carried out by Inchcape in Marsh Barton for the vehicle which indicated that the vehicle met the standards required for a hackney vehicle licence. It was later noticed that the vehicle registration number shown on the report was WG10 ZBF.
- 2.1 The vehicle inspection report confirms that vehicle's engine cubic capacity must exceed 1300cc and there is space available in the rubric for the vehicle inspector to insert the engine's capacity.
- 2.2 Mr McDonald proceeded with the application to transfer the hackney licence based on the information that was made available. He issued the licence and plate for the Corsa that afternoon and gave them to Mrs Wright.
- 2.3 He required Mrs Wright to produce the V5C to the licensing office as soon as possible.

- 2.4 On Tuesday 1 June it became apparent that a mistake had been made and that the licence and licence plate had been issued with two of the digits transposed, i.e. the plate showed the registration number incorrectly as WG10 ZBF (as shown on the vehicle inspection report).
- 2.5 Mrs Wright agreed to make arrangements for the immediate return of the plate and licence.
- 2.6 On Friday 4 June the incorrect plate and licence plate were returned.
- 2.7 On the same day (4 June) the V5C for the Corsa was seen by licensing officer John Loveridge which showed that the engine's cubic capacity as 1248cc i.e. less than the capacity specified in the Licensing Policy, thus making the licence invalid.
- 2.8 There is a legal requirement for owners of vehicles to notify the DVLA immediately of any change of circumstances of a vehicle such as a change of ownership. Experience indicates that it may take the DVLA up to three weeks to update such information and return the V5C to the owner.
- 2.9 In most circumstances when a hackney driver has just acquired a new vehicle they will produce the tear-off slip from the log book to provide the basic essential information required to licence a vehicle. In the case of a new vehicle this is not possible and so a "Confirmation of Registration Details" would normally be produced at the time of making an application for a hackney carriage licence.
- 3.0 When issuing a hackney licence officers will accept the tear-off slip but when a "Confirmation of Registration Details" is produced the officer will require the applicant to produce the V5C at the earliest opportunity.
- 3.1 This practice minimises the time it takes for an applicant to licence a vehicle and to operate it on the road as a taxi. A delay of up to three weeks caused by the DVLA to return the V5C to the owner before a vehicle could be licensed may have a significant effect on an operator's commercial viability.
- 3.2 Anecdotal evidence indicates that this hackney carriage transfer application is the first application since 2002 that failure to produce a V5C has resulted in a licence being incorrectly issued.
- 3.3 Both Mr Saxton and Mrs Wright were contacted by phone on 4 June and were informed that the hackney licence should not have been issued and therefore was no longer valid and that the plate and licence must be returned immediately. A letter confirming the above was sent to both Mr Saxton and Mrs Wright the same day.
- 3.4 Mr Saxton has now written a letter in support of his application, which is shown in **Appendix A**. He states that "the car was purchased under the belief it was a 1300cc, with the normal 1300cc engine being 1298cc, so it was not intentional that the restrictions would be contravened". He goes on to explain his proposed business plan for the use of the vehicle, its economy and a "reduced carbon footprint".
- 3.5 The condition that vehicles should have a minimum engine cubic capacity of 1300cc appears to have been made in order that vehicles produce a sufficient power output to carry at least four passengers in addition to the driver on roads and in conditions that could prove to be demanding. In East Devon and surrounding areas there are a number of hills some of which are quite steep. Another factor may to consider passengers with mobility issues.
- 3.6 A side-effect of the district maintaining a taxi fleet which permits vehicles to have engines less than 1300cc is that it may help to lower the carbon footprint as larger vehicles in general are less fuel-efficient and their emissions levels are higher.

- 3.7 It is the Licensing Manager's recommendation that only if members are satisfied that there are very exceptional reasons for doing so should this application be granted.
- 3.8 Mr Saxton has indicated that Mrs Wright will produce the vehicle he seeks to licence at the Council Offices on the day of the hearing to enable Members to inspect the vehicle if they wish to do so.

Legal Implications

The Legal implications are set out within this report.

Financial Implications

No additional financial implications other than those outlined in the report if an appeal is made. Granting an exception may have implications for other applications for a similar CC omission. This would generate extra income, with an increase to staff resources.

Appendices

Appendix A - Letter from Mr Saxton in relation to his application dated 8 June 2010

Appendix B – Copy of vehicle inspection report

Appendix C – Copy of Vehicle Registration Certificate (V5C)

Background Papers

Minutes of Tourism and Transportation Committee dated March 1994

Hackney Carriage application dated 27 May 2010 for Vauxhall Corsa saloon WG10 BZF

Registration Certificate for WG10 BZF

Insurance Certificate for WG10 BZF

Vehicle Inspection Report for WG10 BZF

John Loveridge Ext. 2014
Licensing Officer

Licensing and Enforcement Sub Committee
29 June 2010

APPENDIX A.

Mr B T Saxton
12 Rance Drive
Exmouth
Devon
EX8 5RP

Mr J Loveridge
Licensing Dept
East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

8th June 2010

Dear Mr Loveridge

Re: Vehicle License No. HV0089, Reg. WG10 BZF

With reference to recent communication regarding the above vehicle, I would like to proceed with the application. The car was purchased under the belief it was a 1300cc, with the normal 1300cc engine being 1298cc, so it was not intentional that the restrictions would be contravened.

However, the sole purpose of this vehicle will be for Friday and Saturday nights, hackney pick-ups only of which a spacious boot or disabled access is rarely, if ever, required. I feel that this car is more than adequate for its proposed use. As you know my daughter is not a full time taxi driver and does not taxi every weekend. I do not use the car as it is used solely by my daughter, Rachel Wright.

The vehicle was purchased for its economy and reduced carbon footprint, (smaller engine – less emissions); 75% of the customers are either on their own or as a couple, at that time of night, but even if there are 4 passengers they can easily be carried comfortably.

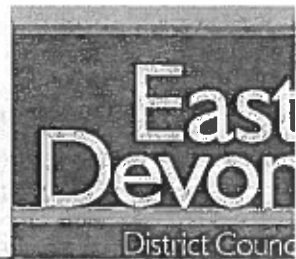
Rachel is willing to produce the vehicle for inspection at the next Licensing and Enforcement sub-committee if so requested.

Yours sincerely



Mr B T Saxton
Swift Cars

VAUXHALL
(INS' G001A)



**VEHICLE INSPECTION REPORT
 HACKNEY CARRIAGES**

Make VAUXHALL	Model cdsa	Reg.No. WG10 ZBF	Plate No.
Rec. Mileage	Date	Petrol <input checked="" type="radio"/> Diesel	CC (Must be over 1300cc)

Testable item	Pass	Fail	Testable item	Pass	Fail	Testable item	Pass	Fail
Rear view mirrors	/	1	O/S/R tyre wall/size/valve fit	/	43	O/S/F wheel condition	/	
Driver's seat and back rest	/	2	O/S/R wheel security/condition	/	44	O/S/F wheel bearing condition	/	
Note recorded miles of speedo			O/S fuel cap	/	45	O/S/F drive shaft/CV joint	/	
Front passenger seat/back rest	/	3	O/S/R shock absorber	/	46	O/S/F suspension cond/security	/	
Both doors/internal security	/	4	Rear tail gate/boot/door security	/	47	N/S/F tyre wall/fit/tread	/	
Steering wheel/mechanism/condition	/	5	Rear floor/belt migs/shock abs.mtgs	/	48	N/S/F wheel condition	/	
Power Steering (if fitted) <input checked="" type="checkbox"/>	/	6	Tail lights condition/operation	/	49	N/S/F wheel bearing condition	/	
Servo operation (if fitted) <input checked="" type="checkbox"/>	/	7	Stop/fog lights condition/operation	/	50	N/S/F drive shaft/CV joint	/	
Brake operation/condition	/	8	Indicators condition/operation rate	/	51	N/S/F suspension cond/security	/	
ABS system warning light (if fitted)	/	9	Hazard warning operation/rate	/	52	Lock to lock checks (lum plates)	/	
Handbrake operation/condition	/	10	Number plate lights and reflectors	/	53	Suspension check-Shake O/S wheel	/	
Light switches/warning lights	/	11	Number plate condition/spacing	/	54	Suspension check-Shake N/S wheel	/	
Screen wipers/washers operation	/	12	Hackney plate-exterior <input checked="" type="checkbox"/>	/	55	O/S/R tyre wall/fit/tread	/	
Windscreen condition/vision	/	13	Exterior advertising <input checked="" type="checkbox"/>	/	56	O/S/R wheel condition	/	
Horn control/operation	/	14	N/S/R s/absorber & body damage	/	57	O/S/R wheel bearing condition	/	
Belt Requirements front/3 rear <input checked="" type="checkbox"/>	/	15	N/S fuel cap	/	58	O/S/R drive shaft/CV joint	/	
Belt condition/operation/anchorages	/	16	N/S/R tyre wall/size/valve fit	/	59	O/S/R suspension cond/security	/	
Interior Light	/	17	N/S/R wheel security/condition	/	60	N/S/R tyre wall/fit/tread	/	
Door catches/door/window <input checked="" type="checkbox"/>	/	18	N/S/R door security/rear back rest	/	61	N/S/R wheel condition	/	
Fire extinguisher <input checked="" type="checkbox"/>	/	19	N/S/R out-in sills/floor/belt mountngs	/	62	N/S/R wheel bearing condition	/	
Excise licence - current	/	20	N/S/F door security/ext.mirror	/	63	N/S/R drive shaft/CV joint	/	
Foot pedal rubbers	/	21	N/S/F out-in sills/floor/belt mountngs	/	64	N/S/R suspension cond/security	/	
First Aid Kit <input checked="" type="checkbox"/>	/	22	N/S repeater lamp condition (if fitted)	/	65	O/S/F brake components cond/leak <input checked="" type="checkbox"/>	/	
Vehicle interior including boot <input checked="" type="checkbox"/>	/	23	N/S/F tyre wall/size/valve fit	/	66	Front chassis members/suspension	/	
Hackney No. Interior badge <input checked="" type="checkbox"/>	/	24	Ball joint/wheel security/condition	/	67	N/S/F brake components cond/leak <input checked="" type="checkbox"/>	/	
Meter operation	/	25	N/S wiper blade cond/screen cond	/	68	Mid chassis members/suspension	/	
Tariff card <input checked="" type="checkbox"/>	/	26	N/S/F shock absorber	/	69	O/S structure/pipes/cables/hoses <input checked="" type="checkbox"/>	/	
Vehicle exterior inc. cleanliness <input checked="" type="checkbox"/>	/	27	Under bonnet brake system/mtgs	/	70	O/S/R brake components cond/leak <input checked="" type="checkbox"/>	/	
Roof Sign	/	28	Pipes/hoses/mast/cylinder/servo <input checked="" type="checkbox"/>	/	71	R/chassis members/susp/tank/carrier	/	
Number plate condition/spacing	/	29	Handbrake mechanism	/	72	N/S/R brake components cond/leak <input checked="" type="checkbox"/>	/	
Side-H/lamp type/condition/operation	/	30	Suspension mounts/cond/corrosion	/	73	N/S structure/pipes/cables/hoses <input checked="" type="checkbox"/>	/	
Indicators condition/operation/rate	/	31	Battery security/VIN No.			Exhaust cond/leaks/prop shaft	/	
Hazard warning operation/rate	/	32	Fuel system leakage <input checked="" type="checkbox"/>	/	74	H/brake mechanism/linkage/cables	/	
Headlamp condition/aim (use equip)	/	33	Exhaust system leaks <input checked="" type="checkbox"/>	/	75	O/S/F footbrake perform. check	/	
O/S/F s/absorber & body damage	/	34	Servo vacuum hose (if fitted) <input checked="" type="checkbox"/>	/	76	N/S/F footbrake perform. check	/	
O/S/F tyre wall/size/valve fit	/	35	PAS pump drive pipes (if fitted) <input checked="" type="checkbox"/>	/	77	Both front brake balance check	/	
Ball joint/wheel security/condition	/	36	Diesel pump-pipes-cambelt-oil level	/	78	Handbrake O/S perform. check	/	
O/S wiper blade cond/screen cond	/	37	Steering components (rock str wheel)	/	79	Handbrake N/S perform. check	/	
O/S repeater lamp condition (if fitted)	/	38	Repeat & check from under vehicle	/	80	O/S/R footbrake perform. check	/	
O/S/F door security/ext. mirror	/	39	Str box rack condition/wear/mtgs	/	81	N/S/R footbrake perform. check	/	
O/S/F out-in sills/floor/belt mountngs	/	40	Ball joints condition/wear/play	/	82	Both rear brakes comparison check	/	
O/S/R door security/rear back rest	/	41	Track rods-steer arm cond/security	/	83	Exhaust emission (fast or first)	/	
O/S/R out-in sills/floor/belt mountngs	/	42	O/S/F tyre wall/fit/tread	/	84			

<input checked="" type="checkbox"/> ENGINE RUNNING	<input type="checkbox"/> FOOTBRAKE APPLIED	<input type="checkbox"/> JACKING BEAM IN USE	READINGS OBTAINED				
<input checked="" type="checkbox"/> BEFORE COMPLETION PLEASE READ NOTES OVERLEAF			CO%	TEST 1	FRONT	NEAR SIDE	OFF SIDE
			HC		REAR	NEAR SIDE	OFF SIDE
			CO%	TEST 2	PARK	NEAR SIDE	OFF SIDE
			HC			NEAR SIDE	OFF SIDE

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 outside 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 door 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
DICITAX	ET806	

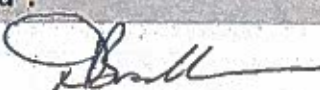

MOT EXPIRY DATE (Note: all Hackney Carriages over 12 months old must have a current MOT)	Certificate No.	Date of issue
	N/A	

**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 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.

Signed*: 	Date: 28-5-10
*Authorised to sign Department of Transport Test Certificates	
Name in BLOCK CAPITALS D. BRADBEEER	Vehicle Testing Station No: 0974 AY
Name of Garage 	AUTHENTICATION STAMP
Telephone No:	

4 Vehicle details

A Registration number **WG10 BZF** 2 [A1] Validation character **Z** 3

B Date of first registration **28 05 2010**

(B.1) Date of first registration in the UK **28 05 2010**

D.1 Make **VAUXHALL**

D.2 (Model) Type **CORSA ENERGY CDTI73 EFLEX**

Variant **PD11**

Version **3A08B3R0DBD5**

D.3 Body type **5 DOOR HATCHBACK**

(X) Pollution class **DIESEL CAR**

(M) Revenue weight **1248 CC**

(P1) Cylinder capacity (cc) **114 G/KM**

(V7) CO₂ (g/km) **HEAVY OIL**

(P3) Type of fuel

(S) Number of seats, including driver **5**

(S) Number of standing places (where appropriate)

(D) Wheelplan **2-AXLE-RIGID BODY**

(J1) Vehicle category **M1**

(K) Type approval number **e1 2001/116 0379 13**

(P2) Max. net power (kW) **55**

(E) VIN/Chassis/Frame No. **W0L0SDL68A4252222**

(F5) Engine number **3619643**

(F1) Max. permissible mass (excl. of fuel) **1695**

(C) Mass in service **1235**

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

(L) Colour **RED**

(O) Technical permissible maximum towable mass of the trailer:

(O.1) Braked (kg) **1000**

(O.2) Unbraked (kg) **500**

(U) Sound level (dB(A)) **79**

(U.1) engine speed (min⁻¹) **3000**

(U.2) drive-by (dB(A)) **72**

(V1) Exhaust Emissions CO (g/km or g/kWh) **0.232**

(V2) HC (g/km or g/kWh) **0.220**

(V3) NOx (g/km or g/kWh) **0.240**

(V4) HC+NOx (g/km) **0.020**

(V5) particulates (g/km or g/kWh)

5 Registered keeper

C.4.c - The registered keeper is not necessarily the legal owner.

C.1.2 **BARRY SAXTON**

C.1.1 **12 RANCE DRIVE**

C.1.3 **EXMOUTH EX8 5RP**

Please write in black ink and CAPITAL LETTERS.

6 New keeper or new name/new address details

Please see section 12 on the back page

M1 Mrs 2 Miss 3 Please tick the appropriate box **W**

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

First names:

For company use only DVLA/DVA Fleet number **7**

Date of birth (not required by law) **8** Postcode: Please help us to help you by giving your postcode.

House No. **9**

Address:

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** Date of scrapping: **DDMMYY** 18

R 16 Scrapped S 17 See notes on scrapping in INSTEAD ONLY tick if you personally break up the vehicle.

7 Changes to current vehicle

Only enter corrected or altered details **H**

Wheelplan/Body type **2**

VIN/Chassis/Frame No. **21**

New revenue weight **22** Date of change **DDMMYY** 23 Cylinder capacity (cc) **24**

No. of seats inc. driver **25** No. of standing places **26** Type of fuel **27**

Engine number **28**

New colour **29** Date of change **DDMMYY** CLR **30**

Taxation class **Y** **31**

The taxation class can only be changed when taxing. Please apply at your nearest DVLA local 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-709

Doc. Ref. N° 0148 121 1780 28 05 10
Des. Codes 1058393810 / 0241 41

13

WG10 BZF

Z



ISC

34

Agenda Item 7

Licensing & Enforcement Sub Committee

29 June 2010

JL

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

Summary

The report details these applications.

Recommendation

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

a) Reasons for Recommendation

To ensure full compliance with statutory processes.

b) Alternative Options

The Licensing Authority must grant these applications as all parties have agreed a position which they consider makes a hearing unnecessary.

c) Risk Considerations

Applications must be dealt with within the statutory time limits.

d) Policy and Budgetary Considerations

Officers have taken into account the Council's Licensing Policy in making the recommendation.

e) Date for Review of Decision

The council's decision may be appealed to the Magistrates Court. The Licensing Act 2003 also contains review provisions.

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 grant of a premises licence	Route 66 Trinity Square Axminster EX13 5AN	<p>Following mediation the applicants and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>To agree to submit an amended plan of the premises and to agree to the addition of the following conditions as shown below</p> <ol style="list-style-type: none"> 1. No persons shall enter or leave the premises with open vessels or containers. 2. All alcoholic drinks will be decanted and served to customers at the table. 3. Alcohol will only be served to persons who are supplied with a substantial meal. 4. CCTV will be installed operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police in the main seating area. 5. A notice will be displayed at the entrance to the premises that CCTV is in operation. 6. Challenge 21 policy will be applied. 7. Licensable activities will only take place in the main seating area as per the revised plan submitted to the licensing authority. 8. Children can attend in the presence of their parents or adult over the age of 18.
Recommendation	Recommend approval of application subject to the amended operating schedule	

Legal Implications

Included within the report

Financial Implications

No apparent financial implications

Background Papers

- The relevant licensing application
- Representation received from Responsible Authority
- Guidance issued under Section 182 of the Licensing Act 2003
- The District Council's Statement of Licensing Policy

John Loveridge Ext 2014

Licensing & Enforcement Sub Committee

Licensing Officer

29 June 2010

