



LICENSING SUB-COMMITTEE

A meeting of Licensing Sub-Committee will be held on

Thursday, 10 November 2011

commencing at 9.30 am

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus, Torquay, TQ1 3DR

Members of the Committee

Councillor Ellery
Councillor Parrott

Councillor Bent

Our vision is working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

Sarah Forsyth, Town Hall, Castle Circus, Torquay, TQ1 3DR 01803 207064

Email: democratic.services@torbay.gov.uk



LICENSING SUB-COMMITTEE AGENDA

1. Election of Chairman/woman

To elect a Chairman/woman for the meeting.

2. Apologies

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

3. **Minutes** (Pages 1 - 2)

To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 20 October 2011.

4. Declarations of interests

(a) To receive declarations of personal interests in respect of items on this agenda

For reference: Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

For reference: A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Democratic Services or Legal Services prior to the meeting.)

5. Urgent items

To consider any other items that the Chairman decides are urgent.

6. Extension by one year of Hackney Carriage Vehicle Licence
To consider a report on a Hackney Carriage Vehicle licence, where the
vehicle owner who is the licence holder, would like to extend the use of
the vehicle by one year.

(Pages 3 - 22)

Agenda Item 3



Minutes of the Licensing Sub-Committee

20 October 2011

-: Present :-

Councillor

Councillors Addis, Parrott and Bent

342. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

343. Minutes

The Minutes of the meetings of the Sub-Committee held on 15 and 22 September 2011 were confirmed as correct records and signed by the Chairman.

344. Paignton Sea Anglers Association, Ravenswood, 26 Cliff Road, Paignton

Members considered a report on an application for a variation to a Club Premises Certificate in respect of Paignton Sea Anglers Association, Ravenswood, 26 Cliff Road, Paignton.

Written Representations received from:

Name	Details	Date of Representation
16 Signatures, members of the public verified as living within the vicinity of the Club	Petition objecting to the extension of licensing hours on the grounds of the Licensing Objective The Prevention of Public Nuisance.	16 September 2011
2 Signatures, members of the public	Representation objecting to the extension of licensing hours on the grounds of the Licensing Objective The Prevention of Public Nuisance.	Received 20 September 2011

Oral Representations received from:

Name	Details
Applicants	The Applicants outlined the application and responded to members questions.
2 Members of the Public	2 Members of the Public, residents living within the vicinity of the Club, outlined their objections to the application on the grounds of The Prevention of Public Nuisance.

Decision:

That the application be granted in part as follows, that the supply of alcohol be extended to 11.40 p.m. seven days a week, with premises closing hours as applied for to 12 midnight.

Reason for Decision:

Members carefully considered all the oral and written Representations. The Licensing Objective Members were most concerned to ensure was promoted in this case was the Prevention of Public Nuisance.

Members noted that no concerns had been expressed by any Responsible Authority that the operation of these premises had or would undermine any of the Licensing Objectives.

A number of local residents living in the vicinity of the premises had expressed concern that by extending the hours as requested, noise levels from persons leaving the Premises would be unreasonable due to the later hour.

However, Members felt that the overall good reputation and obvious conscientious management of the Club, combined with the hours granted should reduce the risk of public noise nuisance arising and allay the fears of residents.

The Sub-Committee was satisfied that by allowing the application in this manner the Licensing Objectives would be promoted.

Chairman

Agenda Item 6



Public Agenda Item: Yes

Title: Extension by one year of Hackney Carriage Vehicle Licence

Wards Affected: All

To: Licensing Sub-Committee On: 10 November 2011

Contact Officer: Craig Noble

Telephone: 01803 208119

← E.mail: craig.noble@torbay.gov.uk

1. What we are trying to achieve

1.1 The report concerns a Hackney Carriage Vehicle licence, where the vehicle owner who is the licence holder, would like to extend the use of the vehicle by one year.

2. Recommendation(s) for decision

2.1 It is recommended that:

The application be refused on the grounds that it is not in accordance with Torbay Council's Policy, in respect of the requirement for the age of vehicles.

3. Key points and reasons for recommendations

- 3.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- 3.2 A request has been made in writing, by a Mr Eric Mitchell to extend the current vehicle licence on his Mercedes 320 from eight years to nine years. Mr Mitchell has stated that this request is due to what he terms as the exceptional condition of the vehicle. However, this request is contrary to Torbay Councils Policy on the age of licensed vehicles.
- 3.3 Mr Mitchell has provided additional information to support his request.

For more detailed information on this proposal please refer to the Supporting Information.

Frances Hughes
Executive Head Community Safety

Supporting information to Report

A1. Introduction and history

- A1.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- A1.2 A request has been made in writing, by a Mr Eric Mitchell to extend the current vehicle licence on his Mercedes 320 from eight years to nine years. Mr Mitchell has stated that this request is due to the exceptional vehicle condition. See Appendix 1.
- A1.3 Mr Mitchell has provided additional information to support his request. See appendix 2.
- A1.4 Torbay Council's taxi Policy says:

"1. SUITABILITY

- (a) In the case of a first application for a vehicle licence for a saloon car be under 4 years since date of first registration, and not more than 8 years in the case of any subsequent application for renewal of licence and not to be left-hand drive."
- A1.5 In considering the wording of the Policy, the Officer has given careful deliberation to the request and evidence presented by Mr Mitchell and concludes that in their opinion, the reason for the request cannot justify a departure from the Policy. Since the Policy is clear, the Officer recommendation must be in line with the Policy and that is to refuse the request.
- A1.6 There is a right of appeal. Any appeal would be to the Magistrates' Court within 21 days from the date of a notice following the decision.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

- A2.1.1 There are no significant risks if the request is refused.
- A2.1.2If the request is granted, there is a risk that a number of other such requests could be made for this renewal period.

A3. Options

- A3.1 The options are:
 - (i) to refuse an extension by one year,
 - (ii) to grant Mr Mitchell an extension by one year on the merits of the case but requiring a mid term MOT'

A4. Summary of resource implications

- A4.1 There are some resource implications if it is granted or there is an appeal in the Magistrates' Court against a refusal.
- A5. What impact will there be on equalities, environmental sustainability and crime and disorder?
- A5.1 There are no equalities, environmental sustainability and crime and disorder issues.
- A6. Consultation and Customer Focus
- A6.1 There has been no public consultation on this matter.
- A7. Are there any implications for other Business Units?
- A7.1 There are no implications for other business units.

Appendices

Appendix 1 Letter from Mr Mitchell

Appendix 2 Supporting information from Mr Mitchell

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

None

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PLATE NO 92. CAR 57 EHA. 16 S811 M

Agenda Item 6 Appendix 1

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Regarding om telethone conversations,

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exclension from APRIL 2012- APRIL 2013

from MERCEI) ES E320 CI)1,

Jan Southith (Sh E. MITCHELL)

TORBAY COUNCIL

1 7 AUG 2011

LICENSING SECTION

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MK. E. MITCHELL

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TORBAY COUNCIL

23 AUG 2011

LICENSING SECTION

TORBAY COUNCIL

23 AUG 2011

23 AUG 2011

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Engine oil brand

Remaining time in days

Viscosity

Yes No.

Replaced: Engine oil Fuel filter

Coolant

Viscosity

Odometer reading Date

Repair order no. Remaining distance in miles/km

ASSYST

ASSYST PLUS

Date

Odometer reading

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· Fuel filter . Engine oil

Air filter Brake fluid

Spark plugs

Coolant

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Page 9

Service report

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Service Booklet

Service report Confirmations

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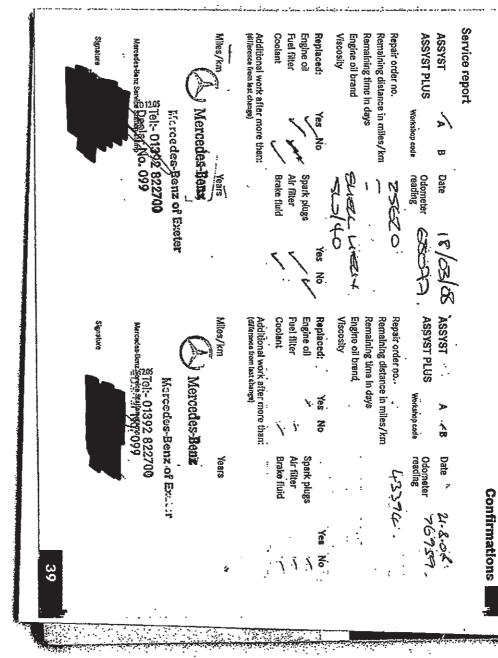
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Page 11



Service Booklet

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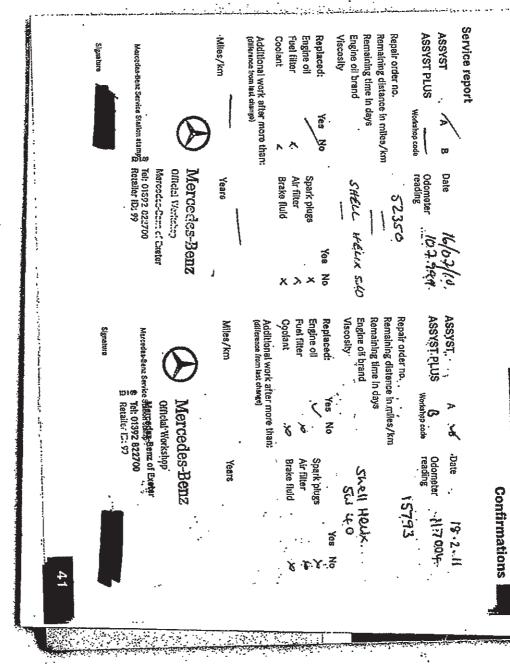
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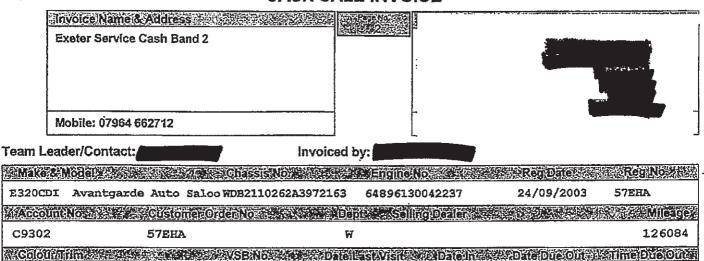


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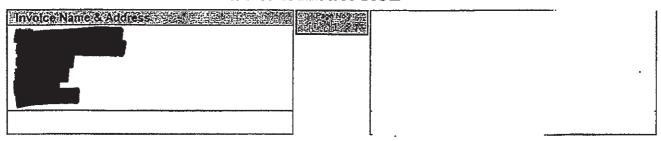




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City West Country Limited. Registered Office: Matford Park Road, Exeter EX2 8FD Registered in England 4306194 VAT Reg. No. 945 6680 01

*m*ectronic Service Sheet



ESS CODE: A211026648961/N195MD225540 Notes/Explanations: Mr E Mitchell **Customer Name:** WIP Number: Registration Number: 57EHA Vehicle Required by: 1st September 2011 **Service Details** Baumuster Code: 211026 Service Sheet: 14 Vehicle Mileage: 125540 miles Model Class: E-Class (211) Saloon Vehicle Age: 95 months Oil Quantity: 7.3 litres Model Derivative: E 320 CDI Engine Model: 848 Oil Type: MB 229.5 System derived Engine Type: Diesel Service 14 Sheet General Maintain Digital Service Book - Confirm carrying out and correctness of stipulated service scope, service items entered in DSB (Digital Service Book) within EVA and service report printed out for customer. For vehicles from VIN B231782 - By Service Team Manager (STM) Interior AP42.00-P-4290R Brake system: Perform brake test on test stand. Enter brake values in end table (Observe notes in maintenance manual) 7 instrument cluster. Reset ASSYST PLUS service interval indicator Sensotronic Brake Control (SBC): Check hydraulic unit added - Only on vehicles with AP42.50-P-4259A Sensotronic Brake Control (SBC) Vehicles up to 09/03 AP00.20-P-0042T AP00.20-P-0042TA Vehicles as of 09/03 **Function test** Check horn for proper operation AP54,30-P-5452C Check instrument cluster indicator lamps and interior illumination for proper operation Audible warning system: Check function (Only on vehicles with Sensotronic Brake Control AP64,30-P-5450A (SBC)) Check windscreen wipers, windscreen washer system and headlamp cleaning system for proper AP82.30-P-8252A

Page 1

ESS CODE: A211026648961/N195MD225540

24/08/2011

SI18,00-P-0011A

AP40.10-P-4051Z

AP42.10-P-4253A

Z.

After confirming service in ASSYST/ASSYST PLUS make sure instrument cluster

end table (Change wheel-and-tyre assembly according to findings)

front and rear axie: Check brake fining thickness Check/Correct tyre pressure, enter in end table

message changes to next service 15,500 miles (for AMG variants please check FIS guide within ESS) - For vehicles on Fixed interval Servicing (FIS) Only

Check complete wheels for damage and crack formation, measure tyre tread depth and enter in

	compartment		
4	For all checks: In the event of leakage determine and climinate subject to a separate repair invoice		
16	Brake system: Brake fluid level check/correct		AP42.10-P-4210Z
	Windscreen washer system - Use Mercedes-Benz approved part number A 002 986 1471 10 windscreen washer concentrate (remainder to be left in vehicle if any)		AP82.35-P-8210N
Ø	Engine hood: Check latch and latch hook for ease of movement - Replace components no matter how insignificant the faults may be.		AP88.40-P-8851T
	le front, vehicle rear		
Ø	Check condition of wiper blades, replace subject to a separate repair invoice		AP82,30-P-8253G
Boot 1279	Check expiration date of TIREFIT tyre repair kit and enter in end table (Replace subject to a separate involce)	П	AP40.10-P-4054R
m	Check/Correct tyre pressure of spare wheel and enter in end table	-	
	Boot lighting: Check function		
ma	Check and correct battery fluid level - Except with maintenance free installed.		1051 to 0 51161
4 <u>53</u> ,	Wheth one contest battery note least - Except with manifestative fire attailer.		AP54.10-P-5410A
Addition These it	onal Operations - Mandatory Age/Mileage Service Items ems are required but check service history to ensure that they have not been done in recent past.		
Done		not Ok	
	Service 3 - Every 37,500 miles/2 years		
	Check Poly V-Belt for wear and damage (In visible area only check) "DONE Feb II		AP13.22-P-1352Z
	Service 5 - Every 37,500 miles/2 years		
_/	Engine compartment		
Ø	Replace dust filter (With CODE 581 - Comfort automatic air conditioning, up to VIN A635991)	•	AP83.00-P-8381T
	'Replace dust filter (With CODE 581 - Comfort automatic air conditioning, up to VIN X170336)		AP83,00-P-8381T
	Replace combination filter (With CODE 581 - Comfort automatic air conditioning, as of ViN X170337)		AP83.00-P-8384T
Z	Replace activated charcoal filter (With code 580 - Automatic air conditioning or with code 581 - Comfort automatic air conditioning, Up to VIN A635991)		AP83.00-P-8382F
	'Replace activated charcoal filter (With code 580 - Automatic air conditioning or with code 581 - Comfort automatic air conditioning, Up to VIN X170336)		AP83.00-P-8382F
<u> </u>	Service 6 - Every 2 years		
	Check bodywork for paintwork damage - The country rules for mobility and body shell complaints apply.		AP98.00-P-9850BA
l_	by service advisor		
	Chassis and load-bearing body components: Check for signs of damage and corrosion (Check visible area) - The country rules for mobility and body shell complaints apply.		AP00.20-P-0090SX
	by service advisor		
Ø	Replace brake floid (On vehicles with SBC)		AP42.00-P-4280R
	Carry out "Check Sensotronic Brake Control (SBC) hydraufic unit" procedure beforehend, refer to Servico 14 or 15. See: Check hydraulic unit (AP42.50-P-4259A)		
	Replace brake fluid (On vehicles with Adaptive Brake)		AP42,00-P-4280T
I _	Service 9 - Every 50,000 miles/4 years		
	Replace fuel filter DONE DEC ZOO9.		
_	Service 11 - Every 75,000 miles/4 years Replace air filter element DONE MARCH 08 @ 68077 mJ	lac'	
		· , *:::3,	AP09.10-P-0980T
1_/	Service 13 - At each service		
2	Engine: Change oil and filter		AP18.00-P-0101TC

Comments	
Front pads worn.	
asurements (Only complete as required by service sheet)	
plant Measurement	
otected to (°C)	

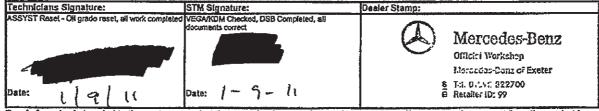
Brakes

Front Left Front Right Rear Left Rear Right Parking (left/right) Pads (% wear) Discs* (mm) Values (N) Please record actual values and minimum values

Tyres

Left Front	Right Front	Rear Left	Rear Right	Spare (If fitted)	
Tyre Size	Tyre Size	Tyre Size	Tyre Size	Tyre Size	
225/55			 >		
DOT	DOT	DOT	DOT	DOT CODE	
Tread Depth (mm)	Tread Depth (mm)	Tread Depth (mm)	Tread Depth (mm)	Tread Depth (mm)	
Outer Centre Inner 454	Outer Centre Inner 5 6 5	Outer Centre Inner	Outer Centre Inner	Outer Gentre Inner	
Tyre 201	Tyre 29	Tyre 34	Tyre 34	Tyre CO	

At least 1.6mm of tread depth across the centre 3/4 of the tread throughout the entire circumference of the tyre. No cut, in excess of 25mm or 10% of the tyre section width whichever is the greater, deep enough to touch internal structure. No lump, bulge or tear or any ply or cord exposed.



Proof of service is handed to the customer so that they can clearly prove the service operations. Remove previous report from the pocket in the service booklet and insert the current, folded service report. Carry out the explanation of operations performed and handover the service booklet with the repair invoice. Give the customer the previous service report for his personal documents.

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ESS CODE: A211026648981/N195MD225540

24/08/2011

h Check



<i>II</i>			<i>(1</i>		
119111	Customer Name MITO	HELL	WIP	375	534
INO 57EHA	Mileage 126	084	Works required	JFMAN	DIASOND
Reg Date 24 9 53	Requires urgent attention	Advisory	• vi	sually OK	O Not checked

Wheels & Tyres			ļ.	(),/e	Pépth mi Midae	n Irne	Make, Size, Speed, Condition, Valve/Balance	Fitted Price
N/S Front			/	4	5	4	725/55.16	111100 1 1100
O/S Front			/	5	6	5	22010018	
O/S Rear		/	1	3	4	3	5	
N/S Rear	\vdash	7	1	3	4	3	4	
Spare		 	/					
Alignment			1					
Wheel Refurbishment Requirements	No	tes:	·/		I		•	
External			í	Repo	rt & F	lecon	nmendation	
Brake/Clutch/Trans								
Engine Noise/Smoke	a ""a"		/					
Glass/Mirrors/Locks			/					•
Lights/ Electrics				Repo	rt & R	lecon	mendation	
Mandatory Lights			بمزز		,	• •		
Horn/Wipers/Washers							· ·	
Underbonnet				Repo	rt & R	econ	nmendation	
Engine Oil/A.Freeze	製	11,1	,				**************************************	
Water/Oil/Fluid Leaks	. 4		ji ,				-	
Alt.Belt/Battery.Cond.	v.G.							
Brakes & Hubs		٠		Repoi	rt & R	ecom	mendation	
Master Cyl/Servo/Fluid			/					
Pads/Discs/Wheelbrngs		/		From	2	bra	he rade worn.	£156.20
Hoses/Pipes/Cables				1200	324	F	hoses starting to penal	7
Underside				Repor	t & R		mendation	
Exhaust Syst/Catalyst								
Steering/Suspension								
Driveshafts/Oil Leaks		/		où	loa	ben	g from underfray (engine où	}
Accessories		1					mendation	
Mats	. `						1	
Sat Nav Disc							age 11 A	
Observations						-3		
Signed by Technician								
Authorised by Service Team Leader								

Mercedes-Benz of Exeter Matford Park Road, Exeter, EX2 8FD 0845 850 1199 www.mercedes-benzofexeter.co.uk

