



## **REGISTRATION AND LICENSING COMMITTEE**

**10.00 AM - MONDAY, 17 OCTOBER 2022**

**MULTI LOCATION MICROSOFT TEAMS/COUNCIL CHAMBER**

1. Chairpersons Announcements
2. Declarations of Interest
3. Minutes of the previous meeting (*Pages 3 - 4*)
4. Urgent Items  
Any urgent items at the discretion of the Chairperson pursuant to Section 100B(4)(b) of the Local Government Act 1972.

### **Report of the Head of Legal Services.**

5. Renewal of Hackney Carriage Proprietor Licence (*Pages 5 - 8*)
6. Taxi Licensing Policy Amendment - Electric Vehicles (*Pages 9 - 16*)

**K.Jones**  
**Chief Executive**

**Civic Centre**  
**Port Talbot**

**Tuesday, 11 October 2022**

**Committee Membership:**

**Chairperson:**       **Councillor A.J.Richards**

**Vice  
Chairperson:**       **Councillor J.Henton**

**Members:**           Councillors S.Paddison, D.Whitelock,  
W.Carpenter, M.Crowley, A.Dacey, H.Davies,  
L.Jones, D.Lewis, A.Lodwig, K.Morris, S.Renkes,  
S.Thomas and L.Williams

c.c.                    Superintendent of Police, Neath  
Chief Fire Officer, Neath

**EXECUTIVE DECISION RECORD**

**REGISTRATION AND LICENSING COMMITTEE**

**3 OCTOBER 2022**

**MULTI-LOCATION MEETING – COUNCIL CHAMBER PORT TALBOT  
AND MICROSOFT TEAMS**

**Cabinet Members:**

Councillors: A.J. Richards (Chair), J.Henton (Vice Chair), S.Paddison,  
D.Whitelock, W.Carpenter, M.Crowley, A.Dacey, H.Davies,  
L.Jones, A.Lodwig, S.Renkes and S.Thomas

**Officers in Attendance:**

N.Chapple, G.White, S.McCluskie and N. Jones.

1. **CHAIRPERSONS ANNOUNCEMENTS**

The Chair welcomed everyone to the meeting.

2. **DECLARATIONS OF INTEREST**

Cllr Suzanne Paddison made a declaration of interest to Case 1, stating the applicant was a constituent within their ward.

3. **MINUTES OF PREVIOUS MEETING**

The previous minutes were approved.

4. **URGENT ITEMS**

There were none.

5. **ACCESS TO MEETINGS**

**Resolved:**

That pursuant to Section 100A(4) and (5) of the Local Government Act 1972, the public be excluded for the following items of business which involved the likely disclosure of exempt information as defined in Paragraph 12 and 15 of Part 4 of Schedule 12A of the above Act.

6. **HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER APPLICATION - CASE 1**

Members were given an overview of the private circulated report and were asked to consider if an applicant was a fit and proper person to hold a Hackney Carriage and Private Hire Driver Licence.

The Applicant attended the meeting

**RESOLVED:** That after considering the report, and hearing all representations and taking into account the Council Taxi Licensing Policy, the applicant be **REFUSED** on the grounds that it did not meet the Authority's Licensing Policy and that the applicant did not advance any exceptional reasons why the Council should depart from the provisions of its taxi policy.

7. **ITEM 1 - CASE 1 - APPENDIX 2 PCSM - REDACTED**

The Supplement item was considered in addition to the circulated Agenda pack.

8. **ITEM 1 - CASE 1 - APPENDIX 3 POLICE REPS (REDACTED)**

The Supplement item was considered in addition to the circulated Agenda pack.

9. **HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER APPLICATION - CASE 2**

Members were informed, Agenda item 7 was to be deferred to a future Registration and Licensing Committee.

**CHAIRMAN**

## **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

### **Registration and Licensing Committee**

17th October 2022

### **Report of the Head of Legal Services – Craig Griffiths**

#### **Matter for Decision**

**Wards Affected:** All

### **Renewal and transfer of hackney carriage proprietor licence**

#### **Purpose of the Report**

1. To consider an application for the renewal and transfer of a hackney carriage proprietor licence, where the licence has recently expired.

#### **Executive Summary**

2. The hackney carriage proprietor licence relating to Mr Eric Mansel Davies for HV005 a Volkswagen Passat, expired on 01/09/2022.
3. Despite a letter inviting Mr Davies to renew, no application was received prior to the expiry of the licence.
4. Officers attempted to contact Mr Davies on numerous occasions, but to no avail. It later transpired that Mr Davies had passed away.
5. Members are now being asked to consider whether the licence can be renewed and transferred to the licence holder's nephew.

## **Background**

6. The Council has adopted a Taxi Licensing Policy, which includes the process for administering the renewal of hackney carriage proprietor licences.
7. The process takes into consideration the judgement in Exeter City Council v Sandle [2011], which concluded that a licence is capable of renewal up to 3 days after the expiry date where a good reason is given, and beyond that in exceptional circumstances.
8. Delegated authority is provided to officers to determine renewal applications that are made within 3 days of the expiry of the licence. All other applications must be considered by the Registration and Licensing Committee.

## **Officer Report**

9. On the 3rd October 2022, Mr Michael Beck notified the Council that his uncle Mr Davies had passed away on the 31st August 2022 and he had come across the renewal letter whilst sorting through Mr Davies' affairs.
10. Mr Beck enquired as to whether the licence can be renewed and transferred, despite the licence having expired and subsequently after taking advice from officers, submitted applications for the renewal and transfer of the hackney carriage proprietor licence.
11. Members are being asked to consider whether there are exceptional circumstances that led to the licence not being renewed prior to the expiry and as such can the licence be renewed.

## **Equality Impact Assessment**

12. There are no equality impacts associated with this report.

## **Legal Impacts**

13. There is a right of appeal to the Magistrates' Court against a decision to refuse to renew a hackney carriage proprietor licence.

## **Risk Management**

14. There are no risk management associated with this report

## **Consultation**

15. Not applicable

## **Recommendation**

16. That members determine the application after hearing all submissions.

## **Reasons for Proposed Decision**

17. To enable members to determine whether there are exceptional reasons for the late renewal.

## **Implementation of Decision**

18. Immediate implementation

## **Appendices**

19. None

## **List of Background Papers**

20. Proprietor licence file

## **Officer Contact**

21. Neil Chapple  
Licensing Manager  
Tel (01639) 763050  
Email n.chapple@npt.gov.uk

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## **NEATH PORT TALBOT COUNCIL**

### **Registration and Licensing Committee**

17th October 2022

### **Report of the Head of Legal and Democratic Services – Craig Griffiths**

#### **Matter for Decision**

#### **Wards Affected**

All Wards

### **Taxi Licensing Policy Amendment - Electric Vehicles**

#### **Purpose of the Report**

1. To consider an amendment to the Taxi Licensing Policy.

#### **Executive Summary**

2. This report seeks to make an amendment to the existing Taxi Licensing Policy ("the policy") which requires all new hackney carriage proprietor licences to be for vehicles which are wheelchair accessible vehicles.
3. It is proposed that zero-emission vehicles be excepted from the requirement that all new hackney carriage proprietor licences be for wheelchair accessible vehicles.
4. Members are being asked to approve a period of consultation with the trade, prior to final determination.

#### **Background**

5. Registration and Licensing Committee adopted the latest version of the Taxi Licensing Policy on 10th February 2020 which contains the

procedures, specifications and conditions which all prospective and existing licence holders need to be aware of.

6. The policy currently in place requires that all new hackney carriage proprietor licences are for vehicles that are wheelchair accessible. Non-wheelchair accessible vehicles can only be licensed, where the vehicle is replacing an existing non-wheelchair accessible vehicle.
7. The policy is designed to ensure that there is an adequate supply of both non-wheelchair accessible and wheelchair accessible vehicles licensed within Neath Port Talbot.
8. Welsh Government's "Wales Transport Strategy 2021" states that by 2040 all hackney carriage and private hire vehicles will be zero-emission.

## **Officer Report**

9. The authority currently has 221 licensed hackney carriage vehicles, of which 164 are non-wheelchair accessible and 57 are wheelchair accessible.
10. There is currently one vehicle licensed that is zero emissions - a fully electric Tesla Model 3, which is non-wheelchair accessible.
11. To ensure that the authority maintains as far as possible the current proportion of wheelchair accessible hackney carriage vehicles, it is proposed that officers undertake a monthly review to look for any pattern of wheelchair accessible hackney carriage vehicles being replaced by zero-emission non-wheelchair accessible vehicles.
12. Where such a pattern is observed, a report to review the policy will be brought back before members.
13. Prior to any amendment to the Taxi Licensing Policy, it is proposed to undertake a consultation exercise with the existing hackney carriage and private hire trade, to include the various registered taxi associations, RMT Union and all drivers, proprietors and operators.
14. Following the end of the consultation period, a further report will be brought before members outlining any representation made and for final determination.

## **Financial Impacts**

No implications

## **Integrated Impact Assessment**

15. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. The first stage assessment has indicated that a more in-depth assessment is not required.

## **Valleys Communities Assessment**

16. No implications

## **Workforce Impacts**

17. No implications

## **Legal Impacts**

18. No implications

## **Risk Management Impacts**

19. No implications

## **Consultation**

20. A consultation exercise with the existing hackney carriage and private hire trade is proposed to be carried out.

## **Recommendation**

21. That members consider the proposed amendment to the Taxi Licensing Policy prior to determining whether to commence a consultation exercise with the existing hackney carriage and private hire trade.

## **Reasons for Proposed Decision**

22. To enable members to take into consideration any relevant comments prior to considering whether to implement the change to the Taxi Licensing Policy.

## **Implementation of Decision**

23. The decision is proposed for immediate implementation.

## **Appendices**

24. Appendix 1 - First Stage Impact Assessment

## **List of Background Papers**

25. Existing Taxi Licensing Policy

[www.npt.gov.uk/media/4270/taxi\\_licensing\\_policy.pdf](http://www.npt.gov.uk/media/4270/taxi_licensing_policy.pdf)

## **Officer Contact**

26. Neil Chapple  
Legal Regulatory Manager  
Tel (01639) 763050  
Email [n.chapple@npt.gov.uk](mailto:n.chapple@npt.gov.uk)

## Impact Assessment - First Stage

### 1. Details of the initiative

<b>Initiative description and summary: Taxi Licensing Policy – Fully Electric Hackney Carriage Vehicles</b>
<b>Service Area: Legal Regulatory Services</b>
<b>Directorate: Chief Executives</b>

### 2. Does the initiative affect:

	Yes	No
Service users	✓	
Staff		✓
Wider community	✓	
Internal administrative process only		✓

### 3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age		✓				It is anticipated that there will be none or negligible impact on the existing accessibility level of wheelchair accessible vehicles.  Should there be a pattern of wheelchair accessible vehicles being replaced by non-wheelchair accessible fully electric vehicles, then the policy will quickly be reviewed by the Registration and Licensing Committee and suitable amendments made appropriately.
Disability			✓			
Gender Reassignment		✓				
Marriage/Civil Partnership		✓				
Pregnancy/Maternity		✓				
Race		✓				
Religion/Belief		✓				
Sex		✓				

Sexual orientation		✓				
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**4. Does the initiative impact on:**

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		✓				There is no impact on any of these as this policy relates to hackney carriage vehicle licensing.
Treating the Welsh language no less favourably than English		✓				

**5. Does the initiative impact on biodiversity:**

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		✓				No impact
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.	✓					The move to fully electric vehicles will undoubtedly have benefits to air quality. This policy amendment will make it easier for hackney carriage operators to licence a fully electric vehicle.

**6. Does the initiative embrace the sustainable development principle (5 ways of working):**

	Yes	No	Details
<b>Long term</b> - how the initiative supports the long term well-being of people	✓		The policy change will provide those that wish to purchase a fully electric vehicle the opportunity to purchase and licence a cheaper alternative to a fully electric wheelchair accessible vehicle. The proposal however will have safeguards in place to ensure that as far as possible the existing wheelchair accessible vehicle availability be retained.
<b>Integration</b> - how the initiative impacts upon our wellbeing objectives	✓		Taxi drivers play an important role in ensuring a safe night time economy, providing an essential service for people to get home safely. Ensuring that unsuitable drivers are prevented from obtaining a licence helps safeguard the wellbeing of both adults and children.
<b>Involvement</b> - how people have been involved in developing the initiative	✓		It is proposed to carry out a consultation exercise with the existing hackney carriage and private hire trade including the RMT union and the taxi associations.
<b>Collaboration</b> - how we have worked with other services/organisations to find shared sustainable solutions	✓		The proposed amendment to the policy is designed to assist with Welsh Government's Transport Strategy plan 2021 which aims to have all hackney carriage and private hire vehicles zero emission by 2040.
<b>Prevention</b> - how the initiative will prevent problems occurring or getting worse	✓		The proposed policy amendment will help with the move towards zero emission vehicles. However, there is a risk that taxi operators may look to replace existing wheelchair accessible vehicles with zero emission non-wheelchair accessible vehicles. To protect against this, officers will monitor patterns of vehicles being replaced and report to members where patterns are observed.

**7. Declaration - based on above assessment (tick as appropriate):**

A full impact assessment (second stage) <b>is not</b> required	✓
Reasons for this conclusion	
The proposal is not expected to impact on the availability of wheelchair accessible vehicles and therefore there should be none or negligible impact on any of the protected characteristics.	

	<b>Name</b>	<b>Position</b>	<b>Date</b>
Completed by	<b>Neil Chapple</b>	<b>Legal Regulatory Manager</b>	<b>7<sup>th</sup> October 2022</b>
Signed off by	<b>Craig Griffiths</b>	<b>Head of Legal &amp; Dem. Serv.</b>	<b>7<sup>th</sup> October 2022</b>