



REGISTRATION AND LICENSING COMMITTEE

10.00 AM - MONDAY, 17 JULY 2017

PORT TALBOT CIVIC CENTRE - COMMITTEE ROOM 1/2

PART 1

1. To receive any declarations of interest from Members.

Report of the Head of Legal Services.

2. Hackney Carriage Proprietor's Licence Renewal (*Pages 3 - 6*)
3. New Hackney Carriage Proprietors Licence (*Pages 7 - 10*)
4. Any urgent items at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972.

<TRAILER_SECTION>

S.Phillips
Chief Executive

Civic Centre
Port Talbot

Tuesday, 11 July 2017

Committee Membership:

Chairman: Councillor S.Paddison

Vice Chairman: Councillor D.Whitelock

Members: Councillors A.P.H.Davies, J.Miller, D.M.Peters,
J.Warman, C.Edwards, M.Protheroe,
N.J.E.Davies, S.E.Freeguard, N.T.Hunt,
C.James, L.Jones, S.A.Knoyle and R.Mizen

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

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Registration and Licensing Committee

17th July 2017

Report of the Head of Legal Services – David Michael

Matter for Decision

Wards Affected: All

Hackney Carriage Proprietor's Licence Renewal - Town Police Clauses Act 1847

Purpose of the Report

1. To consider an application from Mr Kamrul Hassan, to renew a hackney carriage proprietor's licence, where the licence has expired.

Executive Summary

2. An application to renew a hackney carriage proprietor's licence, where the licence has expired, was received on the 10th July 2017; the licence expired on the 2nd July 2017.
3. The Registration and Licensing Committee are being asked to determine whether the vehicle licence is capable of being renewed after the licence has expired.

Background

4. Hackney carriage proprietor's licences are issued for 1 year, at the end of which it is necessary for the licence holder to apply to renew the licence.
5. In accordance with the Council's Taxi Licensing Policy (Paragraph 3.10 - Renewal of Licence), where an application for renewal is made after the

licence expires, the Council will decide whether or not the licence is capable of being renewed taking into account how long after the expiry of the licence the application was made and the reasons why the licence was not renewed prior to the expiry; this is consistent with the approach in Exeter City Council V. Sandle [2011].

Case Law

6. In Exeter City Council V. Sandle [2011] it was determined that a hackney carriage licence was capable of renewal in the sense envisaged by the Local Government (Miscellaneous Provisions) Act 1976 s.60 after the expiration of the one-year period prescribed by the Town Police Clauses Act 1847 s.43.
7. There was no particular period in which it would cease to be capable of renewal but an application received two to three days late would require very good reasons for the delay for it to be entertained by a local authority; delay beyond that would require exceptional circumstances.

Officer Report

8. A letter was sent to Mr Hassan on the 9th May 2017 inviting him to apply to renew the hackney carriage proprietor's licence in respect of licence HV114.
9. No application was received and consequently the licence expired on the 2nd July 2017.
10. Mr Hassan attended the Licensing Office on the 10th July 2017 and submitted a renewal application for a hackney carriage proprietor's licence.

Equality Impact Assessment

11. There are no equality impacts associated with this report

Legal Impacts

12. As members are being asked to determine whether the licence is capable of renewal, any challenge against the decision would be by way of Judicial Review.

Risk Management

13. There are no risk management associated with this report

Consultation

14. Not applicable

Recommendation

15. The Registration and Licensing Committee are being asked to determine whether the licence is capable of renewal after hearing all submissions.

Reasons for Proposed Decision

16. In accordance with the Council's Taxi Licensing Policy, the matters reported must be determined by the Registration and Licensing Committee

Implementation of Decision

17. Immediate implementation

Appendices

18. Not Applicable

List of Background Papers

19. Expired hackney carriage proprietors licence file
20. Neath Port Talbot CBC - Taxi Licensing Policy
21. Mr Hassan's application for the renewal of a hackney carriage proprietor's licence

Officer Contact

22. Neil Chapple
Licensing Manager
Tel (01639) 763056
Email n.chapple@npt.gov.uk

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Registration and Licensing Committee

17th July 2017

Report of the Head of Legal Services – David Michael

Matter for Decision

Wards Affected: All

New Hackney Carriage Proprietors Licence - Town Police Clauses Act 1847

Purpose of the Report

1. To consider an application from Mr Kamrul Hassan for a new hackney carriage proprietor's licence where the vehicle does not comply with the Council's Taxi Licensing Policy.
2. Note: This report will only need to be considered in the event that members determine that the renewal of the hackney carriage proprietor's licence is not capable of being renewed. The renewal application is dealt with in a separate report.

Executive Summary

3. An application for a new hackney carriage proprietor's licence for a Toyota Avensis, was submitted on the 10th July 2017.
4. The vehicle specified in the application, does not comply with the requirements stipulated in the Council's Taxi Licensing Policy (Appendix E - hackney carriage vehicle specifications) as it is not wheelchair accessible.

5. Officers only have delegated authority to grant a hackney carriage proprietor's licence, where the vehicle specified in the application, complies with the specifications set out in the Council's Taxi Licensing Policy.

Background

6. The Council has adopted a Taxi Licensing Policy which at Appendix E - "hackney carriage vehicle specifications", sets out the requirements that the Licensing Authority expects will be met before a hackney carriage proprietor's licence will be issued.
7. One such specification is that all new hackney carriage proprietors' licences must be for a vehicle that is wheelchair accessible.
8. The purpose for requiring all new vehicles to be wheelchair accessible is to ensure that a mixed fleet of both wheelchair accessible and non-wheelchair accessible vehicles are available for members of the public to use.
9. There are currently 259 proprietors' licences, 86 of which are for vehicles that are wheelchair accessible and 173 for vehicles which are non-wheelchair accessible.

Officer Report

10. An application for a new Hackney carriage proprietor's licence for a Toyota Avensis, was submitted by Mr Kamrul Hassan on the 10th July 2017.
11. Mr Hassan previously held a hackney carriage proprietor's licence for this vehicle, however the licence expired on the 2nd July 2017, as an application for its renewal was not submitted prior to the expiry.
12. Had Mr Hassan applied for the renewal of the previous proprietor's licence prior to the expiry, it would have been renewed under officer delegated authority.
13. Mr Hassan's new application is for a Toyota Avensis, which is not wheelchair accessible and consequently does not comply with the Council's Taxi Licensing Policy.

Equality Impact Assessment

14. There are no equality impacts associated with this report

Legal Impacts

15. There is a right of appeal to the Crown Court against a decision to refuse to grant a new hackney carriage proprietor's licence.

Risk Management

16. There are no risk management associated with this report

Consultation

17. Not applicable

Recommendation

18. The Registration and Licensing Committee are being asked to determine the application after hearing all submissions.

Reasons for Proposed Decision

19. In accordance with the Council's Taxi Licensing Policy, the matters reported must be determined by the Registration and Licensing Committee

Implementation of Decision

20. Immediate implementation

Appendices

21. Not Applicable

List of Background Papers

22. Previous Hackney Carriage Proprietors Licence file
23. Neath Port Talbot CBC - Taxi Licensing Policy

24. Mr Hassan's application for the grant of a new hackney carriage proprietor's licence

Officer Contact

25. Neil Chapple
Licensing Manager
Tel (01639) 763056
Email n.chapple@npt.gov.uk