



## ***REGISTRATION AND LICENSING COMMITTEE***

***10.00 AM - MONDAY, 12 FEBRUARY 2018***

***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. Private Hire Vehicle Licensing (*Pages 3 - 8*)
3. Hackney Carriage and Private Hire Vehicle Licensing - Refund (*Pages 9 - 12*)
4. Street Trading Policy - Amendments (*Pages 13 - 18*)
5. Any urgent items at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972.
6. Access to Meetings - to resolve to exclude the public for the following item pursuant to Section 100A (4) and (5) of the Local Government Act 1972 and Exempt Paragraph 12 of Schedule 12A to the above Act.

### **PART 2**

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

7. Equality Act 2010 - Hackney Carriage and Private Hire Driver Licensing - Case 1 (*Pages 19 - 24*)

**S.Phillips**  
**Chief Executive**

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

**Tuesday, 6 February 2018**

**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**

12th February 2018

### **Report of the Head of Legal Services – David Michael**

#### **Matter for Decision**

**Wards Affected:** All

#### **Private hire vehicle licensing**

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

1. To consider a request for an exemption from displaying door signs and a rear plate on a private hire vehicle.

#### **Executive Summary**

2. This report is to consider a request from Mr Phillips of "About Wales Guides".
3. Mr Phillips has requested that consideration be given to granting him an exemption to display doors signs and a rear back plate on his private hire vehicle, a Hyundai i800.
4. Members have previously granted such exemptions where a business is to cater exclusively for executive / novelty purposes.

## **Background**

5. Mr Phillips is the owner of a business that trades under the name "About Wales Guides".
6. Mr Phillips currently holds a private hire operator licence, a private hire vehicle licence and a hackney carriage and private hire driver licence.
7. Mr Phillips is requesting an exemption from displaying door signs and a back plate on his private hire vehicle as he feels that it will impact on his business.
8. Mr Phillips' request for an exemption for displaying door signs and a back plate is attached at appendix 1.

## **Officer Report**

9. The Council has adopted a Taxi Policy which specifies conditions that a licensed private hire vehicle must comply with.
10. The Policy states that a private hire vehicle shall display the door signs and back plate externally on the vehicle.
11. Members have previously granted exemptions to private hire operators from displaying door signs and back plates on their vehicles. Members were satisfied on these occasions that the display of door signs and back plates would impact adversely on the type of private hire business being provided e.g. executive / novelty purposes.
12. Members also need to be satisfied that any exemption granted, does not impact upon public safety

## **Equality Impact Assessment**

13. Not Applicable

## **Legal Impacts**

14. Not Applicable

## **Risk Management**

15. Not applicable

## **Consultation**

16. Not applicable

## **Recommendation**

17. The Registration and Licensing Committee are being asked to consider the request after hearing all submissions.

## **Reasons for Proposed Decision**

18. It is considered the matters reported should be determined by the Registration and Licensing Committee.

## **Implementation of Decision**

19. The decision is for immediate implementation

## **Appendices**

20. Appendix 1 - Request from Mr Phillips.

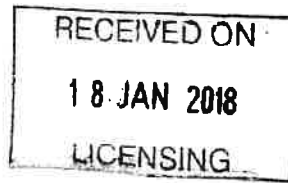
## **List of Background Papers**

21. Neath Port Talbot CBC - Taxi Licensing Policy

## **Officer Contact**

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

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January 18, 2016.

Committee

My name is David Phillips and I am a registered "Blue Badge" Tourist Guide covering the whole of Wales. To be able to take clients to the various parts of Wales, I need a good quality, high comfort vehicle with which to do so. The government states that as I am paid for my work, I therefore must drive my clients for "Hire and Reward". Thus, I am obliged to obtain a Private Hire Licence from my Local Authority. I must also register my vehicle and ensure that it complies with required standards of Taxi's and Private Hire Vehicles. This I have done, even though my vehicle will never be used as a taxi.

My clients, mainly, are very high-end Americans who insist on very high vehicle standards. This causes me a big problem. They do not want "taxi" licences on the side of my vehicle whilst my Local Authority insist that they must be displayed.

The reason for my letter is to ask for permission not to display the "plates" on my vehicle. I fully understand why you wish them to be displayed but they are causing me to lose work. If I display the plates, the clients will employ guides, working from different areas, who are not obliged to display them. This may sound like a 'petty' problem but I assure you that to myself it is the cause of much concern.

I am willing to be questioned on any part of my request to you and would welcome the opportunity to answer to any of your concerns.

Yours Sincerely

A handwritten signature in black ink, appearing to read "D Phillips". The signature is fluid and cursive.

Dai Phillips

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

### **Registration and Licensing Committee**

12th February 2018

### **Report of the Head of Legal Services – David Michael**

#### **Matter for Decision**

**Wards Affected:** All

#### **Hackney Carriage and Private Hire Vehicle Licensing - Refund**

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

1. To consider a request for a refund following the surrender of a hackney carriage proprietor licence.

#### **Executive Summary**

2. This report is to consider a request from Mr Derwyn Davies, for a part refund on the licence fee he paid for the renewal of his hackney carriage proprietor licence.
3. Mr Davies renewed his licence on the 2nd November 2017 and surrendered the licence on the 15th January 2018.
4. The total refund has been calculated at £114.24

## **Background**

5. Taxi legislation allows the authority to recover the reasonable cost of issuing and administering the licence; it does not allow an authority to make a profit.
6. Mr Davies has requested a part refund for any money owing.
7. A hackney carriage proprietor's licence is issued for 1 year.

## **Officer Report**

8. The Licensing Section undertake a comprehensive annual review of all licensing fees, to ensure that the fee levels are set to only recover the costs of providing the licensing service, as permitted by legislation.
9. The fee to renew a hackney carriage proprietor's licence is £250 which Mr Davies paid to renew his licence from the 2nd November 2017; he subsequently surrendered the licence on the 15th January 2018.
10. The £250 licence renewal fee is broken down into various elements which include, processing the application, the cost of vehicle inspections, the ongoing cost of administration and compliance / enforcement and any costs associated with providing taxi ranks.
11. The refund amount does not include any of the elements above, where the authority has already provided that service e.g. the cost of processing the application, any vehicle inspections and the ongoing costs associated with every full month in which the licence was active; the costs incurred by the Council in processing the refund are also subtracted.
12. A total refund has therefore been calculated as £114.24

## **Equality Impact Assessment**

13. Not applicable

## **Legal Impacts**

14. Not applicable

## **Risk Management**

15. Not applicable

## **Consultation**

16. Not applicable

## **Recommendation**

17. That the refund be issued.

## **Reasons for Proposed Decision**

18. To ensure that the authority do not make a profit from licensing fees.

## **Implementation of Decision**

19. Immediate implementation

## **Appendices**

20. Not applicable

## **List of Background Papers**

21. Not applicable

## **Officer Contact**

Neil Chapple  
Licensing Manager  
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Email n.chapple@npt.gov.uk

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

### **Registration and Licensing Committee**

4th December 2017

### **Report of the Head of Legal Services – David Michael**

#### **Matter for Decision**

**Wards Affected:** All

#### **Street Trading Policy - Amendments**

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

1. To consider amendments to the Street Trading Policy.

##### **Executive Summary**

2. This report is to consider amendments to the Street Trading Policy adopted on the 4th December 2017.
3. Amendments are required in respect of the paragraphs dealing with applicant and assistant suitability

##### **Background**

4. This authority adopted the legislation in respect of street trading on the 1st July 2001 and classified every street a "consent street". Effectively this means that anyone wishing to sell an article in the street within the Neath Port Talbot CBC area requires a street trading consent.

5. On the 4th December 2017, members determined to adopt a revised Street Trading Policy which will become effective on the 1st April 2018.

### **Officer Report**

6. It is proposed that amendments be made to paragraph 7.2 and 7.3 of the policy which deals with applicant and assistant suitability.
7. The existing policy requires that all applicants and assistants obtain a basic disclosure as part of the application process. However, the policy does not make any exceptions for special events, where trading takes place over a very short period of time e.g. Neath food festival.
8. It is considered that requiring basic disclosure checks for traders at special events is disproportionate, giving the relatively short period of time that trading is permitted for and that by their nature, these events are highly visible public events.
9. Paragraphs 7.2 and 7.3 of the policy have therefore been re-worded to exempt traders at special events from requiring basic disclosures.
10. Paragraph 7.2 of the policy has also been amended to reflect the recent changes to the provider of basic disclosure checks. References to Disclosure Scotland have now been replaced with the Disclosure and Barring Service.
11. The revised wording for paragraphs 7.2 and 7.3 of the policy are shown bold and underlined in appendix 1.

### **Equality Impact Assessment**

12. Not applicable

### **Legal Impacts**

13. Not applicable

### **Risk Management**

14. Not applicable

## **Consultation**

15. Not applicable.

## **Recommendation**

16. That members approve the amendments to the Street Trading Policy.

## **Reasons for Proposed Decision**

17. Not applicable

## **Implementation of Decision**

18. Not applicable

## **Appendices**

19. Street Trading Policy - Revised Paragraphs 7.2 and 7.3

## **List of Background Papers**

20. Street Trading Policy

## **Officer Contact**

21. Neil Chapple  
Licensing Manager  
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## Appendix 1

### **Street Trading Policy – Revised Paragraphs 7.2 and 7.3**

#### **7.2 Applicant suitability**

All applicants (**except for special events**) are required to submit a basic disclosure for each new application and subsequently every 3 years. A basic disclosure provides details of any unspent convictions that an applicant may have incurred.

The results of this disclosure will assist the Licensing Authority in determining whether the applicant is safe and suitable to hold a street trading consent.

All costs associated with obtaining the basic disclosure check are to be met by the applicant or consent holder.

The disclosure certificate must have been issued less than 3 months prior to the day on which the application is determined (not the day the application is submitted) by the Licensing Authority.

**A basic disclosure can be obtained from the Disclosure and Barring Service ([www.gov.uk/request-copy-criminal-record](http://www.gov.uk/request-copy-criminal-record)).**

#### **7.3 Assistant suitability**

An assistant is any person that uses a street trading consent to trade with the knowledge / permission of the consent holder.

A street trading consent permits trading by the consent holder and any person(s) named on the consent as an assistant.

Applicants must specify on the application form, any assistant that may use the street trading consent to trade. Consent holders will be able to make changes to the named assistants by notifying the Licensing Authority in writing and returning the consent to the Licensing Authority for updating.

An assistant can only trade under the authorisation of a street trading consent, once the Licensing Authority have issued a consent with the assistant named on it.

A basic disclosure is required to be submitted for all named assistants **(except for special events)** for each new application and subsequently every 3 years.

The results of this disclosure will assist the Licensing Authority in determining whether the assistant is safe and suitable to be named on a street trading consent.

All costs associated with obtaining the basic disclosure check are to be met by the applicant or assistant.

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A  
of the Local Government Act 1972.

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