



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

***10.00 AM - MONDAY, 14 MAY 2018***

***PORT TALBOT CIVIC CENTRE - COMMITTEE ROOM 1/2***

### **PART 1**

1. Declarations of Interest

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

2. Urgency Action: 0314 - Hackney Carriage Proprietors Licence Renewal (*Pages 5 - 10*)
3. Any urgent items at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972.
4. 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**

5. Equality Act 2010 - Hackney Carriage and Private Hire Driver Medical Exemption - Case 1 (*Pages 11 - 16*)
6. Application for a Hackney Carriage and Private Hire Driver Licence - Case 2 (*Pages 17 - 20*)

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

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

**Tuesday, 8 May 2018**

**Committee Membership:**

**Chairperson:** Councillor S.Paddison

**Vice  
Chairperson:** Councillor D.Whitelock

**Councillor:** 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

**Substitute:** Councillor

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

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

**Registration and Licensing Committee**

14 May, 2018

**Report of the Head of Corporate Strategy and  
Democratic Services - K.Jones**

**Matter for Information**

**Wards Affected:** All

**Officer Urgency Action: 0314**

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

Details of the above Urgency Action taken by the Head of Legal Services in consultation with the requisite Members for immediate implementation on 4 May, 2018, which is attached for Members' Information.

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# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **Registration and Licensing Committee**

4th May 2018

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

#### **Matter for Decision**

**Wards Affected:** All

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

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

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

#### **Executive Summary**

2. An application to renew a hackney carriage proprietor's licence, where the licence has expired, was received on the 3rd May 2018; the licence expired on the 2nd May 2018.
3. Officers only have delegated authority to renew a hackney carriage proprietor's licence when the application is submitted prior to the expiry of the licence.
4. The Registration and Licensing Committee are being asked to determine the application taking into consideration the relevant case law of Exeter City Council v Sandle [2011].

## **Background**

5. 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.
6. 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 can be 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.
7. The above approach is in accordance with Exeter City Council v Sandle [2011], which says that a licence is capable of renewal up to 3 days after the expiry of the licence with a good reason; however beyond that, exceptional circumstances would be required.

## **Officer Report**

8. A letter was sent to Mr Rees on the 7th March 2018 inviting him to apply to renew the hackney carriage proprietor's licence in respect of licence 064.
9. No application was received and consequently the licence expired at midnight on the 2nd May 2018. Mr Rees attended the Licensing Section with a completed application and supporting documentation at 09:30 on the 3rd May 2018.
10. Mr Rees explained that he had recently moved house and had forgotten to renew his licence on time.
11. Taking into consideration the judgement of Exeter City Council v Sandle [2011], it is recommended that members approve the application for renewal.
12. It is proposed that a subsequent report be provided to members to review the delegated authority given to officers in respect of the renewal of licences which have recently expired.

## **Equality Impact Assessment**

13. There are no equality impacts associated with this report

## **Legal Impacts**

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

## **Risk Management**

15. There are no risk management associated with this report

## **Consultation**

16. Not applicable

## **Recommendation**

17. That the application for renewal be approved.

## **Reasons for Proposed Decision**

18. That the decision is considered to be consistent with the judgment in Exeter City Council v Sandle [2011].

## **Implementation of Decision**

19. Immediate implementation

## **Appendices**

20. Not Applicable

## **List of Background Papers**

21. Hackney Carriage Proprietors Licence file
22. Neath Port Talbot CBC - Taxi Licensing Policy
23. Mr Rees' application for the renewal of a hackney carriage proprietor's licence

## **Officer Contact**

24. Neil Chapple  
Licensing Manager  
Tel (01639) 763056  
Email [n.chapple@npt.gov.uk](mailto:n.chapple@npt.gov.uk)



# Agenda Item 5.

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

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