



REGISTRATION AND LICENSING COMMITTEE

10.00 AM - MONDAY, 11 JUNE 2018

PORT TALBOT CIVIC CENTRE - COMMITTEE ROOM 1/2

PART 1

1. Declarations of Interest

Report of the Head of Legal Services.

2. Hackney Carriage and Private Hire Proprietor Licenses - Refunds
(Pages 3 - 6)
3. Hackney Carriage and Private Hire Proprietor Licences - Late
Renewals (Pages 7 - 10)
4. Street Trading Policy - Amendment (Pages 11 - 14)
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. Hackney Carriage and Private Hire Driver Licensing
- Case 1 (*Pages 15 - 18*)
8. Application for a Hackney Carriage and Private Hire Driver Licence
- Case 2 (*Pages 19 - 24*)

S.Phillips
Chief Executive

Civic Centre
Port Talbot

Tuesday, 5 June 2018

Committee Membership:

Chairperson: **Councillor S.Paddison**

Vice
Chairperson: **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

11 June 2018

Report of the Head of Legal Services – C.Griffiths

Matter for Decision

Wards Affected: All

Hackney Carriage and Private Hire Proprietor Licences - Refunds

Purpose of the Report

1. To seek approval for officers to determine refund requests for hackney carriage and private hire proprietor licences (vehicle licences).

Executive Summary

2. This report is to seek approval for officers to determine refund requests for hackney carriage and private hire proprietor licences.
3. Currently officers calculate the refund amount but the decision to issue a refund must be made by the Registration and Licensing Committee.
4. In order to deal with requests for refunds more efficiently, it is proposed that the power to determine refunds for hackney carriage and private hire proprietors licences be delegated to officers

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. The Licensing Section undertakes 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.
7. A licence fee is levied by the council at the point at which the licence is issued. This fee is set to recover the costs incurred by the council in processing the application; two vehicle inspections; the anticipated cost of providing ongoing administration and compliance for the term of the licence and any costs associated with providing taxi ranks (hackney carriage vehicles only).
8. When a request for a refund is received, officers are able to calculate the refund amount by subtracting the cost of any services already provided from the initial fee levied; the costs incurred by the Council in processing the refund are also subtracted.

Officer Report

9. In order to deal with requests for refunds more efficiently, it is proposed that delegated authority be given to both the Head of Legal Services and the Licensing Manager.

Equality Impact Assessment

10. Not applicable

Legal Impacts

11. Not applicable

Risk Management

12. Not applicable

Consultation

13. Not applicable

Recommendation

14. That delegated authority be given to both the Head of Legal Services and the Licensing Manager to issue refunds for hackney carriage and private hire proprietor licences.

Reasons for Proposed Decision

15. In order to deal with requests for refunds more efficiently.

Implementation of Decision

16. Immediate implementation

Appendices

17. Not applicable

List of Background Papers

18. Not applicable

Officer Contact

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

This page is intentionally left blank

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Registration and Licensing Committee

11 June 2018

Report of the Head of Legal Services – C.Griffiths

Matter for Decision

Wards Affected: All

Hackney Carriage and Private Hire Proprietor Licences - Late renewals

Purpose of the Report

1. To seek approval for delegated authority to be given to officers to determine late renewals of hackney carriage and private hire proprietor licences.

Executive Summary

2. This report is to seek approval for delegated authority to be given to officers to determine late renewals of hackney carriage and private hire proprietor licences.
3. Officers currently only have powers to renew a licence where an application is made prior to the expiry of the licence.
4. Case law has established that a licence is capable of renewal up to 3 days late with a good reason, and beyond that in exceptional circumstances only.
5. Members are being asked to consider giving delegated authority to officers to determine applications which are up to 3 days late.

Background

6. 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.
7. 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.
8. 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.
9. Currently the Registration and Licensing Committee have to determine any renewal applications that are made after the licence has expired.

Officer Report

10. Late applications for renewal are not frequently made, on average there are only a few a year and in most instances the application is made a day or so after the expiry.
11. Depending on when an application is made however, there may be a period of time before members can determine the renewal application at the next committee meeting. In the meantime the vehicle cannot be used which may result in significant loss of earnings for the proprietor.
12. A recent late renewal application was dealt with by urgency action because of the length of time before the next Registration and Licensing Committee. This is not considered to be the most efficient use of officer and member time when dealing with applications that are only a few days late and where the applicant has a good reason why the application was late.
13. It is proposed therefore that delegated authority be given to both the Head of Legal Services and the Licensing Manager to determine late renewal applications for hackney carriage and private hire proprietor licences, where the application is submitted up to 3 days late and a good reason is provided by the applicant.

Equality Impact Assessment

14. There are no equality impacts associated with this report

Legal Impacts

15. There are no legal impacts associated with this report

Risk Management

16. There is no risk management associated with this report

Consultation

17. Consultation is not required

Recommendation

18. That delegated authority be given to both the Head of Legal Services and the Licensing Manager to determine late renewal applications for hackney carriage and private hire proprietor licences, where the application is submitted up to 3 days late and a good reason is provided by the applicant.

Reasons for Proposed Decision

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

Implementation of Decision

20. Immediate implementation

Appendices

21. Not Applicable

List of Background Papers

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

24. Mr Rees' application for the renewal of a hackney carriage proprietor's licence

Officer Contact

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

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Registration and Licensing Committee

11 June 2018

Report of the Head of Legal Services – C.Griffiths

Matter for Decision

Wards Affected: All

Street Trading Policy - Amendment

Purpose of the Report

1. To consider an amendment 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 requested in respect of the conditions for traders operating within Neath Town Centre.

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 became effective on the 1st April 2018.

Officer Report

6. The street trading policy has a list of standard conditions which are attached to street trading consents. One such condition reads " Zone 1 consents in respect of Neath Town Centre will not be operative during the period of the Neath September trading fair".
7. A request has been received from the Neath Town Centre Manager, to amend this condition so that it also includes the Neath Food and Drink Festival and the Neath Christmas Festival.
8. There is one trader that has an existing street trading consent to trade in Neath Town Centre, this is a jacket potato seller located close to NatWest Bank; this trader has held this street trading consent for approx. 15 years and pays an annual fee of £1385.
9. It is proposed that the amended condition would not apply retrospectively, so the existing trader would continue to be able to use the street trading pitch during both the Neath Food and Drink Festival and Christmas Festival.

Equality Impact Assessment

10. Not applicable

Legal Impacts

11. Not applicable

Risk Management

12. Not applicable

Consultation

13. Not applicable.

Recommendation

14. That members approve the amendment to condition 8 of the specific location conditions contained in the Street Trading Policy to the following:
 - Zone 1 consents in respect of Neath Town Centre will not be operative during the period of the Neath September Trading Fair, the Neath Food and Drink Festival and the Neath Christmas Festival"
15. That the existing street trading consent issued for Neath Town Centre be exempt from the new restrictions on trading.

Reasons for Proposed Decision

16. To help support festivals and events which take place in Neath Town Centre without adversely impacting on the existing established street trader.

Implementation of Decision

17. Not applicable

Appendices

18. Appendix 1 - request from the town centre manager.

List of Background Papers

19. Street Trading Policy

Officer Contact

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

Appendix 1

Dear Neil Chapple

I would like to apply to have your 'Conditions of Policy' changed in line with the condition relating to Neath Fair regarding Neath Food and Drink Festival and Neath Christmas Festival and possibly any major organised festival in the future. As you are aware we hold a number of Festivals throughout Neath Centre at various times. The purpose being to increase the footfall into the town centre to ensure that the towns remain sustainable and are able to compete with other towns and retail areas. A great deal of time, effort and resources go into these events without which would not able them to go ahead.

A trader who has an annual licence e.g. not applying and paying for their pitch for a festival or event would have a detrimental effect on the festival and as a result the town. It is my concern that we ensure consistency amongst traders during festivals and events who pay per m2 for their pitches as these funds contribute to marketing, stalls, generators, entertainment, cookery demonstrations, radio coverage etc. together with other associated costs and as a result brings in over 50,000 visitors over the weekend.

Please could you consider this change so that we can continue to support our towns with festivals and events to promote town centres.

May I point out that any food and drink trader would be able to apply to trade at the Neath Food and Drink Festival as I know that there has been a concern with the gentleman selling hot potatoes.

If you require any further information please do not hesitate to contact me.

Kind Regards

Jo Hillier-Raikes

NPT Town Centre Manager

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank