

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **Registration and Licensing Committee**

26th September 2016

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

#### **Matter for Information**

**Wards Affected:** All

#### **Hackney Carriage Vehicle Licensing - Appeal Information**

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

1. To provide information to members in respect of an appeal against the decision to refuse to grant a hackney carriage vehicle licence.

#### **Executive Summary**

2. This report is to provide members with information in relation to an appeal to the Magistrates' Court against the decision to refuse to grant a hackney carriage vehicle licence.
3. The Magistrates' Court determined that the Council's decision to refuse the licence was wrong and ordered that the licence be renewed.
4. No costs were ordered.

## **Background**

5. The Council's Taxi Licensing Policy states that once a licence has expired, it cannot be renewed and it is necessary for a new application to be made.
6. Mr Stuart Michael of Davey's Taxis, applied to renew his vehicle licence 3 days after it had expired. The application was dealt with as a new application as it was too late to renew the licence.
7. The vehicle however did not comply with the Council's Taxi Licensing Policy, as all new vehicles have to be wheelchair accessible. The application was therefore referred to the Registration and Licensing Committee for determination.
8. The Registration and Licensing Committee considered the application and determined that as no good reason had been provided for the late application, that there was no reason to depart from policy and the application be refused.

## **Officer Report**

9. Mr Stuart Michael appealed to the Magistrates' Court on the grounds that the application should have been treated as a renewal as the application was only 3 days late.
10. Mr Michaels' appeal relied upon the arguments in Exeter City Council v. Sandle [2011], a High Court ruling which determined that a licence could be renewed up to 3 days after it had expired where there is a good reason.
11. The appeal was heard by a district judge who concluded that the Council should have dealt with the application as a renewal and that the Council had made an understandable mistake by not doing so.
12. The appeal was upheld and an order was made for the renewal of the licence.
13. The District Judge made no order against the Council for costs. The Council however did instruct Counsel to represent it at the Court hearing and have incurred legal costs as a result.

## **Equality Impact Assessment**

14. Not Applicable

## **Legal Impacts**

15. The Taxi Licensing Policy is not consistent with the decision of the District Judges and therefore will need to be reviewed immediately.

## **Risk Management**

16. Not applicable

## **Consultation**

17. Not applicable

## **Recommendation**

18. The Registration and Licensing Committee are being asked to note the report.

## **Reasons for Proposed Decision**

19. Not applicable

## **Implementation of Decision**

20. Not applicable

## **Appendices**

21. Not applicable

## **List of Background Papers**

22. Neath Port Talbot CBC - Taxi Licensing Policy

23. District Judge Formal Written Decision

24. Exeter City Council v. Sandle [2011]

## **Officer Contact**

Neil Chapple

Licensing Manager

Tel (01639) 763056

Email [n.chapple@npt.gov.uk](mailto:n.chapple@npt.gov.uk)