

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

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