

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Registration and Licensing Committee

9th October 2017

Report of the Head of Legal Services – David Michael

Matter for Information

Wards Affected: All

Hackney Carriage Vehicle Licensing

Purpose of the Report

1. To provide information to members in respect of an appeal against the decision to refuse to renew a hackney carriage proprietor's licence (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 renew a hackney carriage proprietor's licence.
3. An application for the renewal of the proprietor's licence was made 52 days after the expiry of the licence and no exceptional reasons for the delay were provided by the applicant.
4. The Magistrates' Court determined however that the applicant did have exceptional reasons for not renewing the licence prior to expiry and ordered that the licence be renewed.
5. No costs were ordered.

Background

6. The Council's Taxi Licensing Policy (Paragraph 3.10 - Renewal of Licence), states that 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 Registration and Licensing Committee considered an application from Mr Thomas for the renewal of his hackney carriage proprietor's licence on the 28th April 2017.
8. The Registration and Licensing took into consideration 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, but any further delay would require exceptional circumstances.
9. After hearing all submissions members determined that Mr Thomas had not provided exceptional reasons for the delay in renewing his licence and therefore members refused his application
10. A decision notice outlining the reasons for the refusal was sent to the Mr Thomas and is attached at appendix 1.

Officer Report

11. Mr Thomas appealed to the Magistrates' Court on the grounds that he did have exceptional reasons for not renewing the licence prior to expiry.
12. In making their decision the Court accepted Mr Thomas' evidence that he believed that his dad had taken steps to transfer the licence into his name and therefore the licence was transferred to his father and he had no further responsibility in respect of it.
13. The next question the Court considered was, whether this mistaken view amounted to exceptional circumstances. The Court found that because Mr Thomas believed that the licence had been transferred to his dad, this was the reason that he had not taken any action to renew the licence. He

had however made a prompt application for renewal when the circumstances of the transfer came to his attention.

14. Taking account of this the Magistrates considered that he had exceptional reasons for the delay in his application and as a consequence they granted his appeal.
15. The Magistrates made no order against the Council for costs.

Equality Impact Assessment

16. Not Applicable

Legal Impacts

17. It is considered that the Taxi Licensing Policy does not require any amendment following this decision.

Risk Management

18. Not applicable

Consultation

19. Not applicable

Recommendation

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

Reasons for Proposed Decision

21. Not applicable

Implementation of Decision

22. Not applicable

Appendices

23. Not applicable

List of Background Papers

24. Registration and Licensing Committee report 28th April 2017.
25. Neath Port Talbot CBC - Taxi Licensing Policy
26. Exeter City Council v. Sandle [2011]

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