

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

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