

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **Registration and Licensing Committee**

17th October 2022

### **Report of the Head of Legal Services – Craig Griffiths**

#### **Matter for Decision**

**Wards Affected:** All

#### **Renewal and transfer of hackney carriage proprietor licence**

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

1. To consider an application for the renewal and transfer of a hackney carriage proprietor licence, where the licence has recently expired.

#### **Executive Summary**

2. The hackney carriage proprietor licence relating to Mr Eric Mansel Davies for HV005 a Volkswagen Passat, expired on 01/09/2022.
3. Despite a letter inviting Mr Davies to renew, no application was received prior to the expiry of the licence.
4. Officers attempted to contact Mr Davies on numerous occasions, but to no avail. It later transpired that Mr Davies had passed away.
5. Members are now being asked to consider whether the licence can be renewed and transferred to the licence holder's nephew.

## **Background**

6. The Council has adopted a Taxi Licensing Policy, which includes the process for administering the renewal of hackney carriage proprietor licences.
7. The process takes into consideration the judgement in Exeter City Council v Sandle [2011], which concluded that a licence is capable of renewal up to 3 days after the expiry date where a good reason is given, and beyond that in exceptional circumstances.
8. Delegated authority is provided to officers to determine renewal applications that are made within 3 days of the expiry of the licence. All other applications must be considered by the Registration and Licensing Committee.

## **Officer Report**

9. On the 3rd October 2022, Mr Michael Beck notified the Council that his uncle Mr Davies had passed away on the 31st August 2022 and he had come across the renewal letter whilst sorting through Mr Davies' affairs.
10. Mr Beck enquired as to whether the licence can be renewed and transferred, despite the licence having expired and subsequently after taking advice from officers, submitted applications for the renewal and transfer of the hackney carriage proprietor licence.
11. Members are being asked to consider whether there are exceptional circumstances that led to the licence not being renewed prior to the expiry and as such can the licence be renewed.

## **Equality Impact Assessment**

12. There are no equality impacts associated with this report.

## **Legal Impacts**

13. There is a right of appeal to the Magistrates' Court against a decision to refuse to renew a hackney carriage proprietor licence.

## **Risk Management**

14. There are no risk management associated with this report

## **Consultation**

15. Not applicable

## **Recommendation**

16. That members determine the application after hearing all submissions.

## **Reasons for Proposed Decision**

17. To enable members to determine whether there are exceptional reasons for the late renewal.

## **Implementation of Decision**

18. Immediate implementation

## **Appendices**

19. None

## **List of Background Papers**

20. Proprietor licence file

## **Officer Contact**

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