

## ***FULL COUNCIL REPORT***

Date Written	15 <sup>th</sup> June 2015
Report Author	Simon Jones
Service Area	Legal & Democratic Services
Exempt/Non Exempt	Non Exempt
Committee Date	

*To: Mayor, Ladies and Gentlemen*

### **Delegated Authority – Taxi Licensing**

#### **PURPOSE OF THE REPORT:**

To advise Council of recent case law and to seek delegated authority for officers to grant licence applications made one day after the expiry of a licence.

#### **1.0 INTRODUCTION AND BACKGROUND**

1.1 The Council as the Licensing Authority for the Merthyr Tydfil County Borough undertakes all aspects of licensing for the local Hackney Carriage and Private Hire trade. To run or operate Private Hire or Hackney Carriages a number of separate licences are required. For instance for Private Hire three licences are required namely:-

- a Private Hire Operators licence – (annual licence)
- a Private Hire Vehicle licence - (annual licence)
- a Private Hire Drivers licence – (3 year licence)

Whereas for Hackney Carriages two licences are required namely:-

- a Hackney Carriage proprietors licence aka a vehicle licence - (annual licence)
- a Hackney Carriage Drivers licence – (3 year licence)

1.2 The Council's adopted procedures state amongst other things that:-

- Any new applicant for a Private Hire/Hackney Carriage Drivers licence must present a Driving Standards Agency Hackney Carriage and Private Hire Test Pass Certificate as part of their application and a licence to drive will not be issued until a pass certificate is provided. An existing license holder applying to renew his/her licence is not required to provide a new pass certificate providing the application is received prior to the expiry of the existing licence.
- Any application for the grant of a Hackney Carriage Vehicle Licence and a Private Hire Vehicle Licence in respect of a vehicle which is over four years old from date of manufacture or from date of first licensing (whichever be the earlier) will be refused. A vehicle which is over 4 years old can however be licenced provided the vehicle was first licensed before it was 4 years old and it is being relicensed prior to the expiry of its existing licence.

## **2.0 THE CURRENT POSITION**

- 2.1 The Council have received a number of requests to re-licence vehicles over 4 years old where the application is made after the expiry of the existing licence. It has also recently received a request to re-licence a driver's licence after the expiry of the existing licence. The applicant in both instances seek to renew as opposed to being granted a fresh licence to avoid the vehicle falling foul of the 4 year policy and in the case of a driver having to undergo a DSA test.
- 2.2 Where applications such as those detailed in 2.1 above are received, the request to renew is made to the Planning Regulatory & Licensing Committee where members determine whether or not to approve the application to re-new.
- 2.3 When coming to a decision, the Planning Regulatory & Licensing Committee have regard to case law namely Exeter City Council v Sandle 2011. This is an Appeal Court decision which states that if someone applies to renew a licence 1 day after the expiry of the old licence then the application should be granted and treated as a renewal. If an application is however received two to three days late extending the renewal period would require very good reasons for the delay for it to be entertained; and delay beyond that would require exceptional circumstances.
- 2.4 At the Planning & Licensing Committee on the 27th May 2015, it was resolved that a report be presented to Full Council to request that delegated authority be given to both the Public Protection & Housing Manager and the Trading Standards & Licensing Manager to determine applications to re-licence drivers and vehicles made one day after the expiry of the previous licence. All other late applications (those more than 1 day late) will still be determined by the Planning Regulatory & Licensing Committee.

## **3.0 FINANCIAL IMPLICATION(S)**

- 3.1 There are no financial implications save that if delegated authority is given it will avoid the cost of convening a Planning Regulatory & licensing Committee to deal with the application.

## **4.0 SINGLE INTEGRATED PLAN AND SUSTAINABILITY IMPACT SUMMARY**

4.1 A Single Integrated Plan and Sustainability Impact Assessment has been completed and there are no negative aspects.

## **5.0 EQUALITY IMPACT ASSESSMENT**

5.1 An Equality Impact Assessment (EqIA) form has been prepared for the purpose of this report. It has been found that a full assessment is not required at this time. The form can be accessed on the Council's website/intranet via the 'Equality Impact Assessment' link.

## **6.0 RECOMMENDATION(S) that**

6.1 Delegated authority be given to both the Public Protection & Housing Manager and to the Trading Standards & Licensing Manager in consultation with the Head of Legal & Governance so that either of them separately may determine applications to relicence drivers and vehicles made one day after the expiry of the previous licence.

**GARETH CHAPMAN  
CHIEF EXECUTIVE**

<b>BACKGROUND PAPERS</b>		
Title of Document(s)	Document(s) Date	Document Location

***Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.***