
FULL COUNCIL REPORT

Date Written	27 th June 2018
Report Author	Simon Jones
Service Area	Legal & Democratic Services
Exempt/Non Exempt	Non Exempt
Committee Date	25 th July 2018

To: Mayor, Ladies and Gentlemen

Delegated Authority – Taxi Licensing

1.0 SUMMARY OF THE REPORT

- 1.1 At the present time both the Public Protection & Housing Manager and the Trading Standards and Licensing Manager in consultation with the Head of Legal and Democratic Services have delegated authority to separately determine applications to re-license drivers and vehicles where an application to renew a licence is made one day after the expiry of the previous licence. All other late applications are determined by the Planning Regulatory & Licensing Committee.
- 1.2 This report proposes that this delegated power be extended to allow both aforementioned Managers in consultation with the Chair or Vice Chair of Planning and the Head of Legal & Democratic Services to determine applications to relicence drivers and vehicles made up to three days after the expiry of the previous licence. All other late applications will be determined by the Planning Regulatory & Licensing Committee.

2.0 RECOMMENDATION that

- 2.1 Delegated authority be given to both the Public Protection & Housing Manager and the Trading Standards & Licensing Manager in consultation with the Chair or Vice Chair of Planning and the Head of Legal & Democratic Services to determine applications to relicence drivers and vehicles made up to three days after the expiry of the previous licence.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 On the 15th July 2015 Full Council resolved to give delegated authority to both the Public Protection and Housing Manager and to the Trading Standards and Licensing Manager in consultation with the Head of Legal and Democratic Services so that either of them could separately determine applications to re-license drivers and vehicles where the application to renew was made one day after the expiry of the previous licence. All other late applications (those more than 1 day late) have been determined by the Planning Regulatory & Licensing Committee.

4.0 THE COUNCIL'S CONDITIONS

- 4.1 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 – (5 year 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)

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

- Any new applicant for a Private Hire/Hackney Carriage Drivers licence must have a Hackney Carriage and Private Hire Driving Standard Test 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.

- 4.3 Being able to renew a current licence as opposed to obtaining a new licence is for the above reasons an important consideration for the taxi trade in the Merthyr Tydfil County Borough and elsewhere in the UK where similar conditions apply. An applicant in both instances will whenever possible 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 driving test.

5.0 CASE LAW

- 5.1 When coming to a decision, whether or not to grant an application to renew a licence made after the expiry of the old licence, the Planning Regulatory & Licensing Committee and officers using current delegated powers 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.

6.0 CURRENT POSITION

- 6.1 Applications to licence driver and/or vehicle licences made 1 day after the expiry of the current licence are considered and determined by the Public Protection and Housing Manager and/or the Trading Standards and Licensing Manager in consultation with the Head of Legal and Democratic Services. Applications made more than 1 day late are determined by the Planning Regulatory & Licensing Committee.
- 6.2 To allow applicants to put forward verbal representations explaining why they believe their application should be granted, we convene a Licensing sub-committee where the applicant can verbally address members. These verbal representations are then reported to the Full Planning Regulatory & Licensing Committee and taken into account when it considers the request. There is no mechanism for an applicant to address the Planning Regulatory & Licensing Committee direct.

7.0 CURRENT PROPOSAL

- 7.1 In line with the *Exeter City Council v Sandle* case it is proposed to extend the delegation to officers namely the Public Protection & Housing Manager and the Trading Standards & Licensing Manager to allow them to determine all late applications that are received up to three days from the date of expiry of the old licence. It is also proposed that should such delegated authority be given then the exercising of the same by the aforementioned officers will only be done following consultation with the Chair or Vice Chair of the Planning Regulatory & Licensing Committee and the Head of Legal & Democratic Services. If this extended delegation is given it will allow for decisions to be made more quickly, it will reduce the number of matters going before the Full Planning Regulatory & Licensing Committee and will cover applications made where there is an intervening weekend which takes the late application over the current 1 day limit for officer consideration.
- 7.2 All applications received which are over 3 days late will still be put to the Full Planning Regulatory & Licensing Committee using the same process as set out in 6.2 above.

8.0 FINANCIAL IMPLICATION(S)

- 8.1 There are no financial implications save that if extended delegated authority is given it will avoid the cost of convening both a Planning Regulatory & Licensing Committee and a Sub-Committee to deal with the application.

9.0 EQUALITY IMPACT ASSESSMENT

- 9.1 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.

GARETH CHAPMAN
CHIEF EXECUTIVE

COUNCILLOR ANDREW BARRY
CABINET MEMBER FOR GOVERNANCE
AND CORPORATE SERVICES

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Report & Minutes	15 th July 2015	Council website
Does the report contain any issue that may impact the Council's Constitution?		Yes

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