

Borough Council of  
**King's Lynn &  
West Norfolk**



# **Licensing and Appeals Board Panel Hearing**

## **Agenda**

Thursday, 28th June, 2018  
at 10.00 am

in the

**Council Chamber  
Town Hall  
Saturday Market Place  
King's Lynn**





**King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX**  
**Telephone: 01553 616200**  
**Fax: 01553 691663**

Tuesday 12<sup>th</sup> June 2018

Dear Member

**Licensing and Appeals Board**

You are invited to attend a meeting of the above-mentioned Panel which will be held on **Thursday, 28th June, 2018 at 10.00 am** in the **Council Chamber, Town Hall, Saturday Market Place, King's Lynn** to discuss the business shown below.

Yours sincerely

Chief Executive

**AGENDA**

**1. Apologies for Absence**

To receive any apologies for absence.

**2. Items of Urgent Business**

To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

**3. Declarations of Interest**

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

**4. Request to remove signage from a vehicle**

- a) **Procedure for Determining Hackney Carriage/Private Hire Licence applications and Disciplinary Hearings** (Pages 5 - 6)
- b) **Report of the Licensing Officer** (Pages 7 - 10)

To:

**Licensing and Appeals Board:** M Hopkins (Vice-Chairman), T Parish and D Tyler (Chairman)

**Officers:**

Marie Malt, Licensing Enforcement Officer  
Ajay Patel, Trainee Solicitor

## **Procedure for Determining Hackney Carriage/Private Hire/Special Event Licences Applications and Disciplinary Hearings**

### **Introductions**

- 1 The Chairman of the Panel should introduce him/herself.
- 2 The Chairman should introduce the Members of the Panel.
- 3 The Chairman should introduce the Legal Advisor to the Panel and explain his/her impartial role.
- 4 The Chairman should introduce the Council's Representative and explain their role.
- 5 The Chairman should introduce the Democratic Services Officer and explain her role.
- 6 The Chairman should invite the applicant or the person subject of consideration to introduce themselves and any representative they may have.

### **The Procedure**

- 7 Those present to be made aware that all questions and comments should be directed through the Chairman.
- 8 The Chairman should invite the Legal Advisor to outline the procedure.

### **The Application/Person Subject of Consideration**

- 9 The Chairman will invite the Council's Representative to present his/her report, outlining the case and the background, having regard to existing policy and conditions.
- 10 The Council's representatives may call witnesses to support the Council's case.

### **Questions**

- 11 The Chairman should only allow questions when he/she is satisfied that the substance of the case has been presented by the Council's Representative.
- 12 First from the applicant/person under consideration, then Members of the Panel.
- 13 Multiple questions should be avoided.
- 14 Questions must be relevant to the matter in hand.

### **The Applicant's Case/Person Subject of Consideration**

- 15 The Chairman then invites the Applicant/person under consideration or their representative to present their case. They can make statements and can call witnesses (the applicant/person subject of consideration may be a witness if represented).
- 16 Any witness called must be open to questioning, firstly by the Council's Representative and then Members of the Panel.
- 17 Multiple questions should be avoided.
- 18 Questions must be relevant to the matter in hand.

### **Summing Up**

- 19 The Chairman then invites the Council's Representative to sum up his/her case. He/she may comment on what has been said but no new evidence should be introduced.
- 20 The Chairman then invites the Applicant/person under consideration or their representative to sum up their case. They may comment on what has been said but no new evidence should be introduced.

### **Reaching a Decision**

- 21 The Chairman will invite the Legal Advisor to address the Panel on any outstanding matters.
- 22 The Chairman will then thank all those who have spoken and invite the Panel to retire to consider the case, accompanied by the Legal Advisor and Democratic Services Officer. The Chairman will explain that the Legal Advisor and Democratic Services Officer will take no part in the decision making.
- 23 The Panel will then debate the case presented to them at the hearing and will seek to reach a decision and reasons for their decision.
- 24 Once a decision has been made, the Panel (and relevant officer/Legal Advisor) will return back in to the room and the Legal Advisor will announce in public any legal advice he/she has given in private.
- 25 The Chairman will read out the decision and the reasons for the decision (unless the Panel is unable to reach a determination at the conclusion of the hearing).
- 26 The Chairman will explain that notification of the outcome of the decision and reasons for the decision will be made in writing.
- 27 If the Panel are unable to reach a decision, the Chairman will explain that all parties will be notified as soon as possible (but within 5 working days) of the decision and the reasons for such.

## **Borough Council of King's Lynn & West Norfolk**

### **Report to Panel of Licensing & Appeals Board**

Date of Hearing: **28<sup>th</sup> June 2018**

Prepared by: **Marie Malt, Senior Licensing Officer**

### **Application to depart from Licensing Conditions and Procedures in respect of Private Hire Signage – Mr Ian CARSON**

#### **Introduction**

1. Mr Ian Carson has licensed an Audi A7 as a private hire vehicle. This was granted on the 31<sup>st</sup> January 2018 and was allocated licence number PV0164. The vehicle was first registered with the DVLA on the 30<sup>th</sup> January 2018 and carries the vehicle registration number K1 SKY.

Mr Carson is trading as QJS Executive Travel and holds Private Hire Operator Licence number PO0011, which expires on 16<sup>th</sup> October 2022. QJS Executive Travel currently operates 1 licensed private hire vehicle, which frequently also carries out work under the control of another licensed private hire operator, King's Abbey.

#### **Private Hire Signage**

2. Mr Carson is requesting that his licensed private hire vehicle be exempt the requirement of Condition 5.2 on the basis that the vehicle is primarily being used as an executive vehicle.

Conditions 5.2 and 5.3 of the Borough Council's Hackney Carriage and Private Hire Licensing Procedures & Conditions state:

5.2 *A sign must be displayed in a prominent position on each front side door of the vehicle displaying either:*

5.2.1 *Borough Council logo with the wording 'Pre-Booked Only insurance invalid unless booked with an operator', or*

5.2.2 *Borough Council logo and specifying the operator name, telephone number for bookings, with the wording 'Pre-Booked Only'*

5.3 *The sign must be in either of the prescribed formats (see example 'A' and 'B' below) and must be affixed to the vehicle by a Borough Council authorised sign maker. Removable signs e.g. magnetic will not be permitted. The signage is only obtainable via the licensing team and must be fitted within 14 days of the date the signage is ready and available with the signage company. Examples of permitted private hire signage:*

Example A



Example B



3. A copy of Mr Carson's email of the 25<sup>th</sup> May 2018 requesting the exemption is attached to this report as Appendix 1.

### **Background**

4. The requirement for private hire signage was introduced as a licensing condition in 2009 and the following is an extract from the Borough Council's Cabinet Report dated the 2<sup>nd</sup> December 2008:

*Private Hire Vehicle Signage. There is currently no requirement for private hire vehicles to advertise their operator name or that they may be pre-booked only. It is proposed to introduce a requirement that all private hire vehicles have prescribed signage on each side of the vehicle, including the operator name, the wording 'pre-booked only' and the operator telephone number. This would identify the vehicle as private hire, help to avoid confusion with a taxi and also provide useful information for members of the public wishing to make a booking.*

The requirement for private hire signage was subsequently approved by Full Council on the 22<sup>nd</sup> January 2009.

### **Determination**

5. Section 48(1) of The Local Government (Miscellaneous Provisions) Act 1976 prescribes that a private hire vehicle must be of suitable type, size and design; in a suitable mechanical condition; safe; comfortable and adequately insured. In addition, Section 48 (2) provides that:

*'A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this*



*subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.'*

6. The panel are requested to consider this report, including any submissions put forward by Mr Carson and dispose of the matter by either allowing the request or rejecting the request.

7. There is no statutory right of appeal to Magistrates' Court against the decision of the Council in this matter. Should Mr Carson wish to challenge the Council's decision this may only be achieved by way of judicial review.

**Marie Malt**

Senior Licensing Enforcement Officer  
Environmental Health - Licensing  
8<sup>th</sup> June 2018

Appendix

1. Email Mr Carson 25<sup>th</sup> May 2018

Background Papers

1. Local Government (Miscellaneous Provisions) Act 1976.
2. Hackney Carriage and Private Hire Licensing Procedures & Conditions (January 2017).

**Marie Malt**

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**From:** Ian Carson  
**Sent:** 25 May 2018  
**To:** Marie Malt  
**Subject:** Formal request

To whom it may concern , I would like to make a formal request to go before a panel to be exempt from having door stickers on my vehicle on this day dated 25/05/18 .

I will be using the following points for my request

1. I am a sole trader not a company therefore the only driver for any complaints would be about me
2. My vehicle cost £60500.00 (1200.00 per month )so meets all executive criteria and then some
3. My minimum fare is £30.00 my average fare is £150.00 (my work only not king's cars )
4. my dress attire is always smart a image I am most proud off
- 5 . My reputation as a 22 year professional driver continually licensed with king's Lynn council with not one complaint ever .

Why the request,

Like all small business I take work from other sources and I work part-time in the company of king's cars but my private work is All executive topped up by king's cars ie private hire but please see below

1. King's cars customers are fully protected at all times via data dispatch systems so they have my name and reg no for any complaints /protection therefore in the modern age door stickers not actually required because the are actually better protected than the door stickers offer
2. King's cars used autocab dispatch software which to my knowledge is not used by any other mainstream minicab office in king's lynn

Please note I am happy to display my rear plate and window sticker for added protection to the the end user .

On a lighter note my car whilst being used in the office is very distinctive the customers love it and all ask what the hell I am doing using such a expensive car with my point being I would be easy to single out if any complaints was to come up so again protecting all members of the public

I don't do school runs .

Kindest regards  
Ian carson

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