

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**LICENSING AND APPEALS BOARD**

Minutes from the Meeting of the Licensing and Appeals Board held on Tuesday, 10th November, 2015 at 10.00 am in the Committee Suite, King's Court, Chapel Street, King's Lynn

PRESENT: Councillors D Tyler (Chairman), A Bubb and Mrs S Buck.

Officers:

Cara Jordan - Legal Advisor
Marie Malt - Senior Licensing Enforcement Officer
Rebecca Parker - Democratic Services Officer

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 APPLICATION TO DEPART FROM LICENSING CONDITIONS AND PROCEDURES IN RESPECT OF ADVERTISING ON LICENSED VEHICLES

The Chairman welcomed everyone to the Hearing and stated that the purpose of the Hearing was to consider an application to depart from Licensing Conditions and Procedures in respect of advertising on Licensed Vehicles. He introduced the Panel Members, Officers and Legal Advisor. The Licence Holder introduced himself as Mr Jason Taylor, Director of Barry's Cars and Minibuses Limited.

5 PROCEDURE FOR DETERMINING HACKNEY CARRIAGE/PRIVATE HIRE LICENCE APPLICATIONS AND DISCIPLINARY HEARINGS

The Legal Advisor outlined the procedure which would be followed at the Hearing.

6 REPORT OF THE SENIOR LICENSING ENFORCEMENT OFFICER

At the invitation of the Chairman, the Senior Licensing Enforcement Officer presented her report.

The report was for Members to consider whether to permit advertising to the windows and vehicles licensed by Jason Taylor, trading as Barry's Cars and Minibuses Limited, contrary to the Borough Council's standard licensing procedures and conditions. Mr Jason Taylor submitted a request on 27th October 2015 which was appended to the Senior Licensing Enforcement Officer's report.

The Senior Licensing Enforcement Officer referred to the Borough Council's Licensing Conditions and Procedures approved by Full Council in 2011 which prescribed what advertising was permitted on the outside of licensed vehicles, the law on tinted vehicle windows and Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976 as set out in her report.

The Senior Licensing Enforcement Officer requested that the Panel consider the application, including any submissions put forward by Mr Taylor and dispose of the matter by either refusing the application, permitting advertising on all or some of the windows rear of the front windows, on all or some of the vehicles licensed, or any other action deemed appropriate.

The Panel was informed that there was no statutory right of appeal to the Magistrates Court against the decision of the Council in this matter. Should the applicant wish to challenge the Council's decision, based on the current policy, this may be carried out by way of judicial review.

The Panel adjourned to look at one of the vehicles with example advertising.

There were no questions from the Panel or Mr Taylor on the Senior Licensing Enforcement Officer's report.

7

LICENCE HOLDER'S CASE

Mr Taylor presented his case. He referred to the example vehicle he had brought to the Hearing which had a 'wrap' on the rear. He explained that the intention was to sell advertising space to local and small businesses, which would bring in an income to his company. He explained that one vehicle would be used to advertise a local charity.

Mr Taylor explained that he also had the option to change the rear windows to solid metal which would mean if he advertised on the rear of the vehicles he would not be breaking any of the regulations as he would not be covering over the glass.

Mr Taylor reminded the Panel that they had all sat in the vehicle he had brought to the Hearing and that the honeycomb effect on the glass meant that the driver still could see through the rear window.

Mr Taylor explained that he anticipated that most of the advertising would be placed on the rear of the vehicle, but he would prefer that there were no restrictions on the side windows, which could also be replaced by solid metal panels if required.

In response to a question from the Chairman, the Senior Licensing Enforcement Officer explained that all mini buses started off as vans and then were converted by manufacturers. The log book also had to be changed. Mr Taylor confirmed that his vehicles were registered as M1 vehicles which meant that they could carry passengers.

Mr Taylor informed the Panel that all of his vehicles had CCTV and tracking systems.

In response to a question from Councillor Bubb, Mr Taylor confirmed that he only used mini buses and had no plans for using cars in the foreseeable future.

8 **SUMMING UP - SENIOR LICENSING ENFORCEMENT OFFICER**

The Senior Licensing Enforcement Officer had nothing further to add and commented that she was satisfied with the information put forward at the Hearing.

9 **SUMMING UP - THE LICENCE HOLDER**

Mr Taylor had nothing further to add.

10 **LEGAL ADVICE**

The Legal Advisor addressed the Panel and explained that they had to determine if it was appropriate to depart from the Borough Council's standard conditions.

Mr Taylor provided the Panel with mock ups of how his vehicles could look and an example of the honeycomb wrap which could be used.

11 **DETERMINATION**

The Chairman advised that the Panel would retire to consider their decision in private, accompanied by the Legal Advisor and the Democratic Services Officer (for legal and administrative purposes only and neither would take any part in the decision making process). The Panel retired and considered its decision in private. On reconvening,

the Chairman read out the Panel's decision and reasons for their decision as follows:

The Panel considered the report and the information put forward at the Hearing. It also viewed a vehicle of Mr Taylor's which had a honeycomb wrap on the rear window.

The Panel are at the view that a duly elected Council considered this matter and in 2011 approved a policy which prohibited advertising on the windows of licensed vehicles. The Panel does not depart from such a policy lightly. However, it considers that the honeycomb wrap is a technology which may not have been presented or considered at that time. Having looked inside the vehicle of Mr Taylor, the Panel notes that there is no restricted view out of the rear window which had the honeycomb wrap. The Panel also notes that this type of wrap is frequently used on the rear windows of Public Service Vehicles in major cities.

As the driver and passengers retain a clear view from the rear of the vehicle, it is considered that the driver's vision is not impaired by the quality of the honeycomb wrap as seen by the Panel today. The Panel notes that Mr Taylor uses minibuses only and has no plans to have any other type of vehicle.

The Panel therefore grants the application permitting advertising on the rear windows of minibuses where honeycomb wrap is used. For the avoidance of doubt, this does not include any side or front window.

The meeting closed at 11.00 am