

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



Licensing and Appeals Board Panel Hearing

Agenda

**Tuesday, 10th November, 2015
at 10.00 am**

in the

**Committee Suite
King's Court
Chapel Street
King's Lynn
PE30 1EX**



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

28 October 2015

Dear Member

Licensing and Appeals Board Panel Hearing

You are invited to attend a meeting of the above-mentioned Panel which will be held on **Tuesday, 10th November, 2015 at 10.00 am** in the **Committee Suite, King's Court, Chapel Street, 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. **Application to depart from Licensing Conditions and Procedures in respect of Advertising on Licensed Vehicles**

- a) **Procedure for Determining Hackney Carriage/Private Hire Licence applications and Disciplinary Hearings** (Pages 5 - 6)
- b) **Report of the Senior Licensing Enforcement Officer** (Pages 7 - 11)

To:

Licensing and Appeals Board: Councillors A Bubb, Mrs S Buck and D Tyler

Officers:

Cara Jordan, Legal
Marie Malt, Licensing Enforcement Officer
Rebecca Parker, Democratic Services Officer

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 The Chairman should invite the Legal Advisor to outline the procedure.

The Application/Person Subject of Consideration

- 8 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.
- 9 The Council's representatives may call witnesses to support the Council's case.

Questions

- 10 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.
- 11 First from the applicant/person under consideration, then Members of the Panel.
- 12 Multiple questions should be avoided.
- 13 Questions must be relevant to the matter in hand.

The Applicant's Case/Person Subject of Consideration

- 14 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).
- 15 Any witness called must be open to questioning, firstly by the Council's Representative and then Members of the Panel.
- 16 Multiple questions should be avoided.
- 17 Questions must be relevant to the matter in hand.

Summing Up

- 18 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.
- 19 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

- 20 The Chairman will invite the Legal Advisor to address the Panel on any outstanding matters.
- 21 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.
- 22 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.
- 23 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.
- 24 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).
- 25 The Chairman will explain that notification of the outcome of the decision and reasons for the decision will be made in writing.
- 26 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 Licensing Panel: **10th November 2015**

Prepared By: **Marie Malt, Senior Licensing Enforcement Officer**

Application to depart from Licensing Conditions and Procedures in respect of Advertising on Licensed Vehicles

Introduction

1. This report is for Members to consider whether to permit advertising to the windows of vehicles licensed by Jason Taylor trading as Barrys Cars and Minibuses Limited, contrary to the Borough Council's standard licensing procedures and conditions.
2. Mr Jason Taylor submitted a request that Panel Members consider departing from the standard conditions on 27th October 2015. A copy of Mr Taylor's email is attached to this report as Appendix 1.
3. Mr Jason Taylor trading as Barrys Cars & Minibuses Ltd currently holds 12 private hire vehicle licenses issued by the Borough Council.

Conditions

4. The Borough Council's Licensing Conditions and Procedures Approved by Full Council on 30th June 2011 prescribe what advertising is permitted on the outside of licensed vehicles:

'3.64 The Borough Council will allow advertisements to be placed upon a vehicle subject to the following:

- *Advertising is to be limited to the back door panels of licensed vehicles only. Advertising on parts of the vehicle in addition to the back door panels may be considered but only after prior written approval of the Borough Council has been given. However, no advertising will be permitted on the windows of the vehicle.*
- *All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority. The Borough Council reserves the right to require the licensee to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.*
- *No advertisement will be permitted that relates to or advertises alcohol, nudity, gambling, smoking materials or others of a political nature.*
- *The same advertising must be displayed on the nearside and offside doors of vehicles.*
- *Any advertising may cover both back doors.*

- *Advertising may not be stuck over door trims. Door trims may not be removed to accommodate advertising.*
- In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi", "cab" or "hire" the use of which will not be permitted.

Tinted vehicle windows: The Law

5. Information obtained from the GOV.UK website provides the law on tinted vehicle windows for non-licensed vehicles:

'The rules for tinted front windscreens and front side windows depend on when the vehicle was first used. There are no rules for tinting the rear windscreen or rear passenger windows.

Vehicles first used on 1 April 1985 or later

The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through.

Vehicles first used before 1 April 1985

The front windscreen and front side windows must both let at least 70% of light through.'

Taxi Law

6. 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.'

Determination

7. The Panel are requested to consider the application, including any submissions put forward by Mr Taylor and dispose of the matter by either:

- i. Refusing the application;
- ii. Permitting advertising on all or some of the windows rear of the front windows, on all or some of the vehicles licensed, or
- iii. Any other action deemed appropriate

There is no [statutory](#) right of appeal to 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.

Marie Malt

Senior Licensing Enforcement Officer

Environmental Health – Licensing

27th October 2015

Appendixes

1. Email from Jason Taylor trading as Barrys Cars and Minibuses Ltd dated 27th October 2015.

Marie Malt

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Subject: Advertising on Minibuses

Marie

As per our telephone call I would like to start to let local businesses advertise on our minibuses.

I have decided to do this for the following reasons;

1, the type of work we have been doing for the last 5 years and going forward doesn't require us to do any form of advertising as its mainly contract work with local authorities.

2, this is another form of revenue for us as a small company to keep us competitive, to help us reinvest in newer vehicle and to give our employees a better level of pay.

3, we are offering the space to local small/medium size business to advertise on our vehicle for a small monthly fee, this is another form of advertising as not everyone uses the internet or local papers.

4, as you know we have tried this with a local company as it has worked well for them as they have decided they would like to do another minibus in a different format so we thought we would offer the space on our other minibuses to other local companies and the response has been good, the way companies now want to advertise their services or products is in a form of a vehicle wrapping.

Now this really looks good and stands out but the trouble with this is that it conflicts with the current licensing laws of no advertising on the vehicle's glass etc. now we can achieve this in the form of a honeycomb style wrap over the glass where from the inside of the vehicle you can't tell but from the outside this maximises the space on rear doors, or the other way is to change the rear door to the commercial van style door where there is no glass, this then gives the same affect from the outside but from the inside the passenger and driver can't see out the rear window and making the minibus darker on the inside, this is why we are preferring the honeycomb style even though its slightly more expensive it works better both ways and doesn't affect the passengers in the minibuses as this gives them the affect that the glass is tinted in which the glass already is tinted from when the minibuses are built in the factory.

5, we have come to a decision to only offer the space to local business and to only have one local company from their trade/industry (eg plumbers, car sales, electricians, timber suppliers etc.) this is so we don't have several of one type of industry etc. and to make it fair to the businesses that are advertising and support local companies.

6, we would comply with all other licencing conditions on advertising.

7, with the above our minibuses would still have our identity on the front doors with the BCKLWN oval private hire sticker, plus all our minibuses are fitted with state of art tracker system and is monitor during office hours 7am to 6pm and via a mobile device out of office hours, with all the data being recorded and backed up for a minimum of 12 months.

8, also on our minibuses we have CCTV on board with a minimum of 4 x infa-red camera (depending on size of minibus some have 6 camera's) covering the front of the vehicle, one on the driver and the rest on the passengers, this covering all passengers on board, this is also monitored live in real time format during office hours and also out of hours plus this is also being recorded 24/7 and is stored for approximately 3 months due to storage capacity should we need to refer back to an incident.

Finally I would like to apply to the licensing department and licensing panel to look at this and to authorise the above so that we can use the glass space for vehicle wrapping advertising on points raised above, this saving us on

replacing rear door etc. although should this not be authorised we would have no alternative to change the glass panels to metal to avoid the use of glass.

I believe this is good idea to support our small business and other local businesses in the community, in this form of advertising this has been used on local public and national buses for some time now including black cabs and other taxis in major cities and seems to be the way forward for media advertising.

Kind regards,

Jason Taylor

Director

Email: jtaylor@barryscars.co.uk

Direct Dial: 07825 712 800

BARRY'S CARS & MINIBUSES LTD

Email: enquiries@barryscars.co.uk | Web Address: www.barryscars.co.uk

Accounts Office: 01553 84 40 80 | King's Lynn: 01553 77 77 33 (24 hours)

Address: Archdale Barn, 14 Back Lane, West Winch, King's Lynn Norfolk, PE33 0LF.

Any views or opinions are solely those of the author and do not necessarily represent those of Barry's Cars & Minibuses Ltd or any of its associated companies.

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